

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

October 9, 2007

6:30 P.M.

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, September 25, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Robert F. Parisi, Rosemary Rascati and Vincent F. Testa, Jr. Councilor Iris F. Papale was absent due to illness. Mayor William W. Dickinson, Jr., Corporation Counsel Adam Mantzaris and Comptroller James Bowes were also present.

A Moment of Silence began the meeting. The Pledge of Allegiance was said and the Roll Call was taken.

2. Correspondence

None

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#237- #266) totaling \$12,992.74
Acct. #001-1000-010-1170 - Tax Collector
- 3b.** Consider and Approve an Appropriation in the Amount of \$2,525 to
Revenue Highway Safety Acct # 001-1050-050-5883 and to Police
Overtime Acct # 001-2005-101-1400 – Police Department
- 3c.** Acceptance of the Wallingford Education Foundation Grant in the
Amount of \$12,232 to Program Expenditures and to Grant Revenues
– Board of Education

- 3d.** Set a Public Hearing for October 23, 2007 at 7:00 P.M. to be held in connection with an ordinance entitled:

AN ORDINANCE AMENDING AND ORDINANCE APPROPRIATING \$72,270,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$72,270,00 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(The purpose of the amendment is to increase the appropriation and bond authorization by \$97,000 from \$72,270,000 to \$72,367,000 and to transfer within the ordinance \$150,000 from debt administration to planning, acquisition and construction and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.)

- 3e.** Consider and Approve Town Council minutes of April 30, 2007
3f. Consider and Approve Town Council minutes of September 25, 2007

Mr. Knight moved to adopt the Consent Agenda 3a. – 3f. Mr. Farrell seconded.

Eight (8) Councilors present voted Aye. Ms. Papale was absent.

The motion passed.

- 4.** Items Removed from the Consent Agenda

None

- 5.** Executive Session pursuant to §1-200 (6) (E) of the Connecticut General Statutes with regard to strategy an/or negotiation with respect to collective bargaining
- Board of Education

Mr. Knight made a motion, seconded by Mr. Farrell, to go into Executive Session pursuant to §1-200 (6) (E) of the Connecticut General Statutes with regard to strategy an/or negotiation with respect to collective bargaining as requested by the Board of Education

Eight (8) Councilors present voted Aye. Ms. Papale was absent.

The motion passed.

The Council entered into Executive Session at 6:45 P.M.

Mr. Knight made a motion, seconded by Mr. Farrell, to Exit Executive Session.

Eight (8) Councilors present voted Aye. Ms. Papale was absent.

The motion passed.

The Council exited Executive Session at 6:52 P.M.

Attendance at the Executive Session:

Eight (8) Councilors; Mayor Dickinson; Superintendent of Schools Dale Wilson and Chairman of the Board of Education Thomas Hennessey

6. Consider and Approve Wallingford Connecticut Health Service Professional Association, Connecticut Health Care Associates, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO Contract, Effective July 1, 2007 through June 30, 2010 – Board of Education

Mr. Knight made a motion, seconded by Mr. Farrell, to approve the contract for Wallingford Connecticut Health Service Professional Association, Connecticut Health Care Associates, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO, Effective July 1, 2007 through June 30, 2010. Mr. Farrell seconded.

There was no discussion

ROLL CALL VOTE:

Brodinsky - yes; DiNatale - yes; Doherty - yes; Farrell – yes; Knight – yes; Rascati – yes; Testa – yes; Parisi – yes. Ms. Papale was absent.

The motion passed.

7. PUBLIC QUESTION AND ANSWER PERIOD

David Barbarino, 1179 Yale Avenue, asked that Community Lake Park be cleaned up.

Pasquale Mellilo, 15 Haller Place, asked if the transmission lines have been checked before winter.

Bob Gross, 114 Long Hill Road, asked a number of CRRA and Covanta questions regarding the plant and its future. There was some discussion with respect to Governor Rell's September 6, 2007 appointment of Warren Howe as an Ad Hoc Member of the Connecticut Resources Recovery Authority to represent Wallingford.

8. Consider and Approve the discontinuance of a portion of Nichols Street, Carlton Street and Dudley Avenue – Adam Mantzaris, Law Department

Mr. Knight read the item and the letter to the Mayor from Attorney Mantzaris and moved that the discontinuance of a portion of Nichols Street, Carlton Street and Dudley Avenue be approved. Mr. Farrell seconded.

Chairman Parisi called for comments from the public and there were none.

Joan Molloy, Attorney, Loughlin Fitzgerald, and Rob Giapponi, Vice-President, Operations, Ulbrich Steel were present for the discussion.

Mr. DiNatale said that he thought the agreement would include turnaround areas and where does this stand. Attorney Molloy said that Ulbrich owns the property on both sides of the streets and the other properties have frontage along South Cherry Street. She said that the town has reserved an area for snow storage easement so snowplow trucks can so their work. Mr. DiNatale, referring to Nichols Street, asked if there was one residence that will use the public right of way and regarding Carlton Street, there are 2 or 3 residences. He said that he recalled that there would be some kind of turnaround. Mr. Giapponi said that was correct and referred to the marked areas on the map for Nichols and Carlton that is marked 'Snow-Plowing Easement.' It is designed with the Public Works Department to push the snow onto Ulbrich property, leaving no snow in the Nichols or Carlton areas. The area ends. Attorney Molloy said that the request was for snow-plowing access and that the area is paved

Mr. Brodinsky talked about resident notifications. Attorney Molloy said that this would not be effective until the eight-month appeal period passes. Mr. Brodinsky said that he would be recusing himself from the vote as he sits on the Ulbrich Boys and Girls Club.

There were no further comments.

Seven (7) Councilors vote Aye. Mr. Brodinsky abstained. Ms Papale was absent.

The motion passed.

9. Discussion and possible action concerning A T & T's new "U-Verse System" of television: Is it likely to weaken local access television, including Channels 18, 19, & 20. If so, what do we do about it?
– Councilor Mike Brodinsky

Mr. Brodinsky said that U-Verse is a new product that is internet based television viewing system. According to a Federal judge it is very much like cable but if you tell AT & T that, they get upset because there are legal implications. He said that he invited representatives of AT & T to be here and they declined the offer.

He described why he put this on the agenda and what he hopes to accomplish. He said that last March AT & T came to the Council to explain its hardware. He said that in the discussion AT & T representatives said that local programming, Channels 18, 19 & 20, would be available to residents. He said that as it turns out, that is not exactly the whole picture. He said he was walking recently on the west side where AT & T was aggressively marketing this system, and the residents he met said that have the AT & T system said they missed seeing the Council meetings and other shows on the 3 channels. He said that he contacted the company and asked about local programming and if it was available, and AT & T said that it was not. He said if fewer and fewer people will not be able to get the 3 channels, then it's a community issue and of community interest. He did research on the internet and talk with the Office of Consumer Council in New Britain and contact with the Cable Advisory of Council of South Central Connecticut and he spoke with AT & T. He found that local programming is not now available and that it will be available, according to an AT & T representative, about 120 days from mid-November. He said that it raises concerns. He said that if you get this new U-Verse System there will be one channel designated for local programming for the entire state and the surfing audience gets lost because you won't see local or live presentation. He said that you go to the local programming station and click on 'Wallingford' and then you click which of the three channels you want. He said that is a concern because they people who surf will be lost as a viewing audience. Some comments were filed as part of an open docket involving AT & T's U-Verse System. He summarized some of the comments saying that local resident viewers would have to be re-educated about the availability of local programming or Channels 18, 19 and 20, and that AT & T is offering service now without these channels. If the company adheres to the provisions of the state law, community programming will eventually be made available to customers but only after being deprived of an established community resource for a period of time. When the channels are restored, re-education must take place by the local channels as to where the channels can be found. He also said that the appearance of the channels would be different. Mr. Brodinsky said these comments were filed by our own Scott Hanley, Wallingford Government Television. He continues that it appears that there will be a quality problem of the video will not be equal to what people now receive in the that the screen will be smaller like a computer screen size and not the size of the television viewing screen. He said that the technical quality may not be as good and there is doubt that live events may be covered live. He talked about consequences in not being able to cover live events such as call-in shows, debates, parades and sports. He spoke about expense involved if live broadcast is not possible in order to make it available. He talked about the safety issue with the boxes in that there is an investigation regarding a box exploding according to the Department of Public Utilities. He said the AT & T's start up price per channel is \$700 plus \$5,000 for encoded equipment. Mr. Brodinsky said that if the town does not purchase this, then AT & T customers will not get local programs. He said that he thinks that this is town business and that there are things that we can be doing. He suggested that Wallingford file a petition with DPUC and get a docket so DPUC can

consider the problems that we have. He presented other actions that Wallingford could take with some focus on the expense involved to recover these channels for AT & T customers. He said that he might make a motion to have AT & T pay for this.

Mr. Knight said that his research revealed what Attorney General Blumenthal was talking about, and what the argument between AT & T and the federal court who set aside a DPUC decision and why, and where the DPUC suggested that this U-Verse System was substantially different from a cable system, and therefore, did not come under the cable regulations. He said that all of that is in court. He said that in doing this research, he found an article regarding a new statute that went into law on October 1st that establishes a regulatory framework for any organization or individual to enter the state's cable television market. It's called an *Act Concerning Competitive Video Service*. He said that he does not know the legislative intent of this act but that it is 11 pages long. He read the first paragraph, which said, "This act requires companies, other than cable TV companies, and their affiliates that provide video programming to be certified by the Department of Public Utility Control. It subjects the companies that provide these competitive video services to some of the requirements that apply to cable TV companies, notably those regarding community access and customer information." He said that as he read on, he found on page 3 where it describes the application process, and it outlines the obligations of providers, "Community Access within 120 days after a provider begin offering service in an area under its certificate, it must provide capacity over its video service to allow community access programming in its basic service package. The provider must provide 1) the same number of community access channels as is currently offered by the incumbent cable TV company in the area. 2) Funds for community access operations in the same way as TV cable companies 3) for the transmission of community access program with connectivity up to at least 200 feet from its activated wire line distribution facility and must do so without imposing additional requirements for the creation of any content. The community access program must be submitted to the provider in a form compatible with the technology or protocol it uses to deliver video services over its network and must be capable of being accepted and transmitted by the provider without requirements of additional alteration or change in the content by the provider."

Mr. Knight continued saying that act goes on to say that if AT & T comes, and they are, and they are competitors, namely Comcast in our case, has an opportunity that the kind of regulation that they come under has to match that of, speaking generally, suffice it to say that if Comcast decided to alter their structure of the license that they hold, Mr. Knight said that the act says that the cable franchise authority has to provide the same services that they are providing now. He said that he can appreciate some of the technical (*aspects*), referring to Mr. Bordinsky's comments, but that it is all speculative but that it does appear that there was some anticipation by the legislature of the possibility of the public access channels would not be available and they have specifically enacted

legislation which appears at least in his reading to obligate AT & T to provide similar services to that which Comcast is providing now. He said that he thinks that before we go off like a rocket that perhaps we ought to get a reading of the act and see what AT & T's obligations truly are before we start deciding they are going to work toward eliminating or at least downgrading the access that currently we enjoy on Comcast. He said this is a new act and didn't go into effect until October 1 and possibly it bears some examination and that we may not have nearly the problem in the picture that Mr. Brodinsky is painting.

Mr. Brodinsky said that the information that he described came from AT & T and that Mr. Knight can certainly have his own opinion of the act but facts can't be made up. He said that fact #1 is the town's going to incur an expense; fact #2 we are going to lose the surfing audience because the local programming is going to be available on one channel, shared statewide. AT & T has said that; that's a fact. He said that fact #3 is that people subscribing to the new U-Verse system, many of them are surprised by what they get. He said that we can debate the act but those facts are going to stay on the ground. He said that one thing that we have to deal with in the near term is are we or are we not going to do something about the cost that is facing Wallingford. That cost is \$5,000 for an encoder according to AT & T and also from John Emmron the AT & T representative who gave him the price. How are we going to deal with \$700 per year per channel for the 3 channels, or \$2,100 per year, a price that comes from AT & T. Mr. Brodinsky said that AT & T is very aware of the new act; it loves the new act; it lobbied for the new act; the new act essentially deregulates the U-Verse system. He said that's another fact. He said that the other point is if there is anything that we can do about those unsuspecting customers. He referred to a Record Journal article quoting Scott Hanley, Manger, Government TV, who received calls from customers of the U-Verse System who could not get local programming. He said that we can approach AT & T and ask them to disclose what the situation is with respect to local programming and we can also say to them that the Town of Wallingford should not have to incur the start-up expense and the ongoing expense and that AT & T should pay that. He said whether or not the act says that AT & T has to provide money for local programming, that expense is still outstanding, and it is tax dollars. He said that he does not see any harm in going to AT & T and raising those points to pay and disclose. He said if they say no then let's get it on the record.

Chairman Parisi read a communication that he received.

In response to your inquiry concerning ATT U-Verse Television and its impact on Public Access (PEG) for the Wallingford area, I have contacted ATT External Affairs Manager Kinson Perry. Mr. Perry deals directly with the regulatory process and has contributed the following information.

AT&T is committed to Public Access Television and has applied for a franchise license from the DPUC. Mr. Perry has made it clear that AT&T will match the current contributions of new subscribers that were formally with the local cable providers.

Mr. Perry made it clear that Public, Government, and Education Channels will be offered on AT&T's U-Verse Product in the very near future.

Mr. Perry further stated that Access Providers (Channel 18, 19 & 20) will need to submit formal requests for AT&T to carry their programming.

Mr. Perry will have more to share in the very near future and will communicate the information directly to the Council Chair.

Chairman Parisi said that what this did is part of what you suggested and it is possible to open a line of communication with an individual of a rather responsible position. He said that he thinks that what we have here is good and that we should proceed. He asked the Mayor if he recalled when Comcast was new to Wallingford if there was any cost incurred by the Town of Wallingford for equipment or anything else.

Mayor Dickinson said that initially they supplied cameras, not a studio, and since then the town has replaced them and the town has gone beyond the initial capabilities. He said that they were obligated to supply some basic capability.

Mr. Brodinsky asked the Mayor if assuming if what AT & T said holds up -120 days from mid-November and they are ready to go forward with their programming system and they tell us about the encoder cost of \$5,000 and \$700 per channel, what would be the town's position? Do we pay it?

Mayor Dickinson said there are two other factors 1) the Public Act and the language sounds as though it doesn't make much allowance for others seeing that this happens and it sounds like the company itself sees that it occurs, that it the providing of the channel. 2) He said that there is also a Federal case that was recently decided. Mr. Brodinsky said that's the case that said that it's cable, and under Federal law AT & T is not what it thinks it is. He said that under Federal Law AT & T is like a cable operator. He said that then the state law came into effect and now there is confusion between state and federal jurisdiction. He said it will be in court for a while. He said that the immediate issue confronting Wallingford are the cost of the encoder and the charges for the three channels and what will be their position be. Mayor Dickinson said that he cannot take a position without knowing more about the Public Act and the Federal decision. He said that he doesn't interpret the same way and that there are a lot of unknowns to know exactly how these two dovetail. Mr. Brodinsky said that the alarming part of it is the way that AT & T is approaching this is that our Wallingford residents don't receive the three public channels unless the town pays and that is why he is suggesting that the town approach AT & T and say that regardless of what the law says and the interpretation that if there is a charge that AT & T cover it. Mayor Dickinson said that there is no harm in requesting them to do anything and said that he would like to know what the full situation is and it's probably the DPUC that would be the vehicle to see that we are afforded the same rights as everyone else. Mr. Brodinsky said that the DPUC is doing the opposite and that they have

carved out AT & T as a lesser controlled business entity putting them at a disadvantage to cable and that's why under AT & T's U-Verse system they are permitted to offer local channels in a less desirable way than cable and they allow them that. Mayor Dickinson said that the DPUC decision was rendered prior to the October 1st effective date of the new law. He said that he is puzzled whether that new law changes what the DPUC did because their decision was rendered in 2006. He said that if this new law changes that, then they would no longer be able to treat the rights of parties under their previous belief and interpretations.

Mr. Mantzaris commented on a district court ruling in July 2007 involving AT & T and DPUC that they're subject to the franchising requirements of the Federal law. Chairman Parisi said that he has some questions for AT & T and that he will continue. Mr. Mantzaris said that we should wait to see what our own government can do for us and that as a business entity, he doesn't think that AT & T is going to give anyone a dime unless they are required to do that by law or government entity. He said that that is his personal view and is shared by people at the Department of Public Utilities Control that he has talked to.

Mr. Brodinsky said that he will bring this up on another agenda and if AT & T is still asking for the money and we are approaching the 120 days, we can look back at this meeting and see that Councilor Brodinsky wanted to address the issue.

Mayor Dickinson asked if we had received a letter of demand for the \$5,000. Mr. Brodinsky said that he spoke with an AT & T representative, John Emmron, and knowing that Mr. Brodinsky was a Councilor and that this was coming up tonight, said in his official capacity that the town pays \$5,000 for an encoder, the town pays, and \$700 per channel and the town pays. Mr. Brodinsky said that other knowledgeable resources indicate that in order to get live programming, there is another substantial investment that has to be made. He said that those are the facts that he has. Mayor Dickinson suggested that AT & T send that to the town in writing. He said that if there are not in harmony with the law, then there is something in our possession to go to the DPUC and say what is the story with this. Mr. Brodinsky said that he is suggesting was that the Mayor's Office approach AT & T and that they pay all costs regardless of what the law says and that way the Mayor has the control of it. Mr. Brodinsky offered to do this if that was what the Mayor wanted. Mayor Dickinson said that if everyone wants to proceed, that his office can contact AT & T and see what their demand is but we need to something in writing but that the town can't for forward based on what someone says.

Mr. Knight asked the Mayor Office to get an interpretation of the new legislation which he thinks is fairly significant and probable does impact the statements that AT & T person made to one Wallingford Town Councilor. He said that he would like to get something more official in light of legislation that just a week old.

The Public Act number is 07-253, an Act Concerning Certified Video Service.

Susan Huizenga, 36 Surrey Drive, Chairman, Cable Advisory Council, read a prepared statement. (*Appendix I*) She said that she is available for comment at any time and would like to have people working with her because the fight has been long and hard and we are losing for the customer in Wallingford.

Pasquale Melillo, 15 Haller Place, made comments regarding right and wrong, and is it legal.

There were no further comments.

During the discussion of Item 8, Town Attorney Janis Small arrived at the meeting.

10. Report on possible course of action regarding the sale of 41 South Main Street (American Legion) – Janis Small, Town Attorney, Law Department

Town Attorney Janis Small said that we had discussed the pending law suit in Executive Session and that one of the possibilities was selling a portion of the property and the possibility of putting it out to bid or exploring the idea of hiring a realtor to market the property. He said that Purchasing has been working with her to look at both options and there legal concerns raised about the realtor aspect of it. She proposed to have developed for the next meeting a bid spec to go out for sale and also one for the hiring of the realtor. She said that the Council would have the documents in advance for review and for discussion in public session as to how the Council wants to go. She said that she is open to approach it differently if the Council so chooses. She said that Purchasing has been a good help to her.

Mr. Testa with respect to a bid spec for sale asked if it would be specific describing exactly what was going to be sold. Attorney Small said she would look to be specific in the draft and then the Council can change aspects of it to keep it that way. Mr. Testa commented that that he is assuming that the Council would have the opportunity to talk about whether or not we want to go forward with consideration of a sale. The discussion will be in public session.

Curt Huizenga, 36 Surrey Drive, Board Member Wallingford Public Access, asked that the Council consider selling the building to Wallingford Public Access for a reduced amount for a home for Public Access. Mr. Testa mentioned that the building is in need of serious renovation and that that would fall into the category of municipal use so the cost of renovation and maintenance would have to be considered to keep it for municipal use and the Council hasn't heard of a municipal use that would warrant the expense. He said that it is worth talking about. Susan Huizenga said that WPAA is not a municipal use but an independent non-profit and would not fall under those restrictions. She said that

the current location was renovated with \$45,000 that was raised by volunteers for that purpose.

Pasquale Melillo, 15 Haller Place, said that there are legalities involved.

11. Discussion and Possible Action on the future of the Wooding Caplan Development area – Town Council

Attorney Small reported that a mandatory pre-bid meeting took place with nine architectural firms represented for the police station. She said that the Chief of Police gave a tour of the department and that that they were outdoors for two hours. The proposals are due October 25th.

Mr. Brodinsky asked about the title search. Attorney Small said that she needs to check on one outstanding issue and try to get it for the next meeting.

Pasquale Melillo, 15 Haller Place, made comments about cars and pollution with referenced Route 68.

12. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

Withdrawn

Mr. Farrell a motion, seconded by Mr. Knight, to adjourn.

Eight (8) Councilors present voted Aye. Ms. Papale was absent.

The motion passed.

The meeting adjourned at 8:31 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

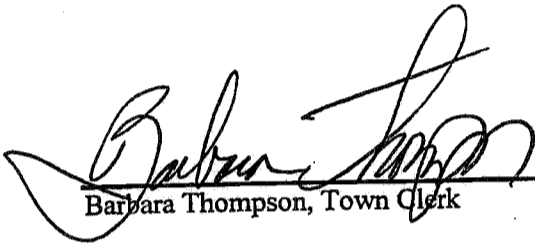
Meeting recorded by Sandra R. Weekes



Robert F. Paris, Chairman

10-23-07

Date



Barbara Thompson, Town Clerk

10-23-07

Date

CACSCC@JUNO.COM

294-4273
APPENDIX I

My Name is Susan Huizenga I live at 36 Surrey Drive. I have served as a member of the Cable Advisory Council representing Wallingford since 2000. I have been Chairmen since 2002. Wallingford has 2 two vacancies on the Council and I believe this has been the case for a decade, maybe two decades.

In 2004 I had oversight of the launch of 7TownTV.org which is a vehicle for informing the public about matters related to our cable TV franchise for which COMCAST is the provider. In addition to having information about Community Access Resources, we provide information about legislation and cable regulation. The topic on the Agenda tonight: AT&T and U-verse in particular has been documented on the site including testimony provided in August of this year on your behalf by Wallingford Government TV and CACSCC on **DPUC Docket 07-05-23: AT&T Connecticut's Community Access Funding Obligation.**

I would like to take this opportunity to read a letter I sent to the ATT General on this matter and then take any questions you may have.

Dear Richard and staff.

I can not say enough about your efforts regarding the consumer and community access groups with IPTV Actions. Please hang in there for us.

The 'video provider' legislation has had the following local impacts:

1. AT&T employees serving on PEG Access Boards have resigned draining critical, once reliable and informed resources for managing local stations.
2. Subscribers have left cable without knowing PEG is not available to them.
3. PEGs stations within our franchise are vying against each other for prospective 'grant' moneys referenced in new legislation. Selective

Rec'd Town Council mtg
10/09/07 from Ms. Huizenga

communication with PEGS have been made to-date and no communication has been received by this advisory council.

4. U-verse technology, if ever deployed for community access, promises

degraded quality because encryption will be required 5. Since U-verse was deployed in my neighborhood my unregulated DSL Internet service has been less reliable. More frequent server not available activity.

It is hard to know who has the new service from ATT within our Community but it has been rumored that 11 hour installations are common. I have one individual's account of her experience (included herein) which confirms that 11 hour installations do occur. A refund was provided to this individual.

###

AT&T U-verse was supposed to be Telephone, TV & Internet on one convenient bill. It was a nightmare for me.

1. 11 hours for them to wire the fiber optic wiring thought out my house

2. 3 TVs included, any more TVs in your house cost more \$\$\$ per month.

They don't always tell you this up front

3. Each TV has a box, and designated remote. I hated the TV box on each

TV, they have a constant light on

4. The TV freeze frames. You need to change ~~changes~~ and go back to the

channel you were watching to refresh...

5. The Internet, they don't tell you that they have levels of quality, they provide the lowest level with the install; if you complain - no service or very slow, they increase the Internet service.

6. ALL this depends on where they establish the RG (residential gateway) in your house. If your PC is not located close to the RG the connection is either very slow or gets lost.

7. It is important that the RG is strategically located, it should not

cross over certain wireless phones or microwaves

The Internet service was TERRIBLE even after they up graded for me,

because of where the RG was established. You cannot move this thing either as it has WIRES like you can't believe. The TV service I hated, the freeze frame was not good, and more often than not, when you turned the TV on, there was a U-verse message 'Do you want to watch TV? Press Yes' I turned the TV on to watch it obviously...

Susan Adele Huizenga
Chairman CACSCC (7TownTV.Org)

Concerns raised by Town Council to ACM

<p>1. Some (maybe all) of my constituents had no idea that they would not be getting local programming now.</p>	<p>This issue is not unique to ATT U-verse. Dish Satellite subscribers experience the same circumstances and select hubs of residents like Ashlar Village do not have PEG Channels.</p>
<p>2. Some (maybe all) had no idea that, in order to get the programming of our three local channels, they would have to go to an assigned channel which will include local programming from all towns statewide. They then have to choose Wallingford programming, and then chose the particular channel they want. We have three.</p>	<p>The awareness of the community of the 3 channels and the distinctions is already unclear for viewers via traditional TV access esp. between WGTV (20) and WPAA(18) .</p> <p>U-verse is an Internet based product and many of the features are limited to the current Internet experience or the newer ON Demand features of Cable.</p> <p>Statewide Server access is what has been proposed by AT&T and it has been suggested in Docket 07-05-23 responses that the U-verse model should be an additional viewing option NOT the primary viewing option..</p>
<p>3. In view of #2, above, we will lose most of the audience that "surfs" the channels for programs they like. It is thought that that is how most of the viewers of our local channels now view the local programs. Example: Residents are now able to "surf" the TV; they see, say, a council meeting; they stop and watch if it interests them.</p>	<p>You are correct that 'surfing' is significant to PEG viewer connectivity.</p> <p>However recent Comcast Subscriber Survey suggests that Community Access Channel value is high, and users may be more aware of programming than 4 years ago.</p>
<p>4. My town has three channels. We will have to pay \$700 per channel per year, as a starter (\$2100), plus, about \$5000. for an encoder. My view: That should be paid for by A. T. & T.</p>	<p>Both CACSCC and WGTV(Town of Wallingford) have supplied testimony for DPUC Docket 07-05-23 which concurs with this view. This is a start-up cost that historically has been assumed by the provider in cable franchise agreements.</p>
<p>5. Mr. Emra conceded that the reception, the quality of the picture, of the local programming would not be as good as the other channels.</p>	<p>Community Access already by virtue of the resources used to provide it have a lesser quality. Lesser quality will downgrade in the encoding process required for server based TV. Some programming will be totally unviewable.</p>

Inquiry #2 Concerns raised by Town Council to ACM

Will AT & T support live, real-time broadcasts, including call-in talk shows? Is A T & T providing video in real time of events elsewhere; have they failed to do it elsewhere?

CACSCC Reply: Probably not. I can not find confirmation that Community Access is being provided elsewhere even on an 'on-demand' basis.

The New Haven CT demonstration on Oct 29th was to provide clarity on this topic. I believe the capability depends on the local infrastructure investment to enable submission to the certified competitive video service provider (ATT) in a manner or form that is compatible with the technology or protocol utilized. I believe the technology has not been deployed anywhere in the USA because it is too complex and cost prohibitive..

From AT&T Docket 070523 responses:

AT&T's position is: AT&T Connecticut will transmit community access programming as required by Public Act 07-253. Presently, AT&T Connecticut is not transmitting community access programming to its Connecticut video subscribers.

AT&T cite this portion of Public Act 07-253. in the docket in answer to questions about 'functionality'.

(3) the certified competitive video service provider shall provide the transmission of community access programming with connectivity up to the first two hundred feet from the competitive video service provider's activated wireline video programming distribution facility located in the provider's designated service area and shall not provide additional requirements for the creation of any content; and (4) the community access programming shall be submitted to the certified competitive video service provider in a manner or form that is compatible with the technology or protocol utilized by said competitive video service provider to deliver video services over its particular network, and is capable of being accepted and transmitted by the provider, without requirement for additional alteration or change in the content by the provider.

Background

ATT Services:

- 1) web-TV service which allows anyone with a broadband connection to watch TV channels in a small box (or full-screen with mediocre resolution) over the internet.
- 2) fiber-optic from AT&T with channels in full screen with resolution like cable TV. Project Lightspeed fiber build, the U-verse TV service.