



Belchertown Telecommunication Advisory Committee

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To: Alicia C. Matthew, Director
Cable Television Division

11 September 2006

From: Belchertown Telecommunication Advisory Committee
Lewis E. Louraine, Vice-Chair

RE: Competitive Franchising Rulemaking, CTV 06-01
Reply Comments

Per your request for comments on Petition CTV-06-01, please accept the following as the comments of the Town of Belchertown, Massachusetts.

- 1. Who initially reviews cable license applications on behalf of the Issuing Authority in deciding whether to begin the licensing process pursuant to 107 C.M.R. P 3.02(2)? How soon after receipt of the application does this review begin?*

The request for renewal would be forwarded to the Town of Belchertown Selectmen. The Board of Selectmen has appointed our committee (Telecommunication Advisory Committee) to review and negotiate the license renewal. Our committee meets on an as needed basis or during times such as the license renewal process monthly.

- 2. Has the municipality established a Cable Advisory Committee? Is this a standing committee? When is the committee in session? How often does the committee meet? What are the terms of the member? Who may serve on the committee? How soon after a cable license application is submitted to the municipality does the Cable Advisory Committee receive application materials and begin its review?*

The Town of Belchertown has a yearly-appointed standing committee for cable TV and telecommunication matters. The committee is composed of interested town members. The committee normally meets whenever there is a need but as we are presently in cable TV license renewal with Charter Communication we are now meeting once a month.

The town receives material, reviews it, and passes it onto the appropriate committee within days. Depending on the meeting schedule of that committee it can be days or weeks before the committee can review those materials.

3. *Does the municipality have a city solicitor or town counsel? Who represents the municipality in negotiations with the cable license applicant? How soon after a cable license application is submitted to a municipality does the negotiator receive application materials and commence negotiations? Does the negotiator have direct authority to offer final terms that may be included in a license to be executed by the municipality? If not, please describe the steps necessary to authorize proposed term sheets.*

Yes, Belchertown has a town counsel but the Telecommunication Advisory Committee is the body used by the town to ascertain and negotiate with Charter Communications the town's cable TV provider. The length of time between receiving materials in town and the time the committee takes to act on those materials is answered in Question 2. The Telecommunication Advisory Committee is responsible for ascertainment, for negotiating a license, and presenting the proposed license to the Town Selectmen who are the Issuing Authority and signatories to that license. Any proposed license that does not satisfy the Selectmen would require the re-opening of negotiation with the cable TV company and a re-presenting of the amended license to the Selectmen. This give and take could take months.

4. *Is there any period of time wherein a Mayor or Board of Selectmen lacks the authority to execute a contract on behalf of the community? For example, during the time after an election and before the newly elected Mayor takes an oath office, may the out-going Mayor execute a cable license? Please describe the circumstances and duration of the period.*

Belchertown elects its selectmen on a Monday and they are seated the next day (Tuesday). Question 4 does not apply to Belchertown.

5. *Many municipalities commented that 90 days is not sufficient to conduct a review of an initial license application. Please state whether there are any provisions of the current licensing process that may be streamlined and, if so, please identify such provisions.*

Because all committees in Belchertown are composed of volunteers and because most committees meet bi-weekly or monthly and because it takes time to call public meetings to gather the ascertainment (public notice of at least two weeks is currently required) and once the ascertainment is complete it must be reviewed, written into a report, presented to the Selectmen, approved and then sent onto the Cable TV company, ninety days is an impossibly short time to accomplish that task.

6. *Please provide a typical timeline of all steps necessary to identify the community's cable-related needs and interests and to issue the issuing authority report or request for proposal? Please include intervals between notices and public hearings, as well as the approximate number of days necessary for each step.*

Belchertown is currently in the ascertainment phase of a license renewal with Charter Communication. We have been doing ascertainment for over a year and it is our intention to write out Ascertainment Report and present it to the Board of Selectmen in November 2006. When the

Selectmen concur with our report we will then notify Charter and start the 120-day negotiating period.

As we (Belchertown and the Telecommunication Advisory Board) are now going through the renewal process it seems to us that as a volunteer board we need all the time currently allotted to the renewal period.

7. *Please state the date on which the municipality last conducted a review of its cable-related needs and interests. How often is a full review of cable-related needs and interest necessary? Would any of the intervals identified in the timeline in your response to Question 6 change absent a full review of cable-related needs and interests?*

There was a review of the cable-related needs when the Town signed the contract with Charter in April 2000. At that time the Telecommunication Advisory Committee recommended that Charter wire the entire town in fiber as condition to the license transfer from Avalon to Charter. There was no survey conducted since that time until the start of the ascertainment phase of the current license renewal.

8. *For communities that have begun the licensing process with Verizon, please provide a detailed timeline of events that have occurred to date. Please provide detail as to when the public hearing is held with respect to the date the proposal was first received.*

Verizon has not initiated a license inquiry with Belchertown.

Respectfully Submitted:

Lewis E. Louraine Jr.
Vice-Chair Telecommunication Advisory Committee
Chair – Charter License Renewal Sub-Committee