

### Trustees 2018-19

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## *Your Municipal Communication Resource*

### **Connecting Your Town to Your Residents**

*The time for action is now!, It's never too late to do something.*

*Antoine De Saint-Exupery (French Novelist)*



In the end of September, the FCC proposed new rules related to cable franchising agreements. These rules would let the cable operators deduct from the franchise fees contributions, minus those from PEG capital costs and build out requirements.

This is designated right now for those areas currently in a 5% franchise fee zone. Here in New Jersey, we are in a 3.5 zone. However, if this ruling goes through, this could open the door to allow this percentage to decrease to our level, over time.

*Important thought: would your municipality be okay with just giving back the money for your channel, or would they possibly say, end the PEG channel, we need the money ????*

Another part of this is to prohibit the local franchising authorities from regulating facilities, equipment and non-cable services used and offered by the cable companies in our rights-of-way.

In short, let me reiterate, our PEG channels worth will be subtracted from the franchise fees. And there is a very strong chance that we could see a portion, or all of our franchise fees eradicated.

***\*Please read below comments from JAG's Lawyer, Ken Fellman, who will explain in more detail what we are up against if this FCC ruling happens.\****

On another topic, please come out to our next general meeting on December 5<sup>th</sup>, in Edison. We will be giving you a review on what JAG has been involved in over the last year, and we will be having our annual elections to determine the future leadership of our group

*The challenge is in the moment; the time is always now.*

*James A. Baldwin*

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### **General Meeting Schedule 2018-2019**

**Dec. 5- Edison**

**Presentation: FM Valenti**

**Jan. 30- East Brunswick  
Library**

**Presentation- TBD**

**Feb. 27 TBD**

**Presentation- TelVue**

**Mar. 28- TBD**

**Presentation- TBD**

**Apr. 25- TBD**

**No Vendor Presentation**

**Jun.12- West Milford**

**No Vendor Presentation**

**Sept. 25- Varto Technologies  
in East Rutherford**

**Presentation-by Varto**

**Oct. 30- TBD**

**Presentation- TBD**

**David Garb**

**President, JAG-The Jersey Access Group**

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Ken Fellman, Esq., Brandon Dittman, Esq.

**HELMER, CONLEY & KASSELMAN, P.A.**

**ATTORNEYS AT LAW**

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TO: Jersey Access Group  
FROM: Ken Fellman, Esq., Brandon Dittman, Esq.  
DATE: November 9, 2018  
RE: FCC's Second Further Notice of Proposed Rulemaking  
MB Docket No. 05-311

With everything going on related to the appeal of the FCC's wireless order, this very important cable proceeding has not yet been addressed with you. However, it is a critically important issue that could have significant and negative impacts on your cable franchise fees and your PEG channels.

On September 25, 2018, the FCC released a [Second Further Notice of Proposed Rulemaking](#) ("FNPRM") proposing new rules related to cable franchising and common cable-related obligations in cable franchise agreements. The proposed rules also would preempt local regulations of non-cable services provided by certain incumbent cable operators, potentially creating disparities between cable operators and non-cable operators in the applicability of these regulations.

Specifically, the FNPRM proposes new rules that would:

(1) Allow all cable-related, in-kind contributions, other than PEG capital costs and build out requirements, to be treated as "franchise fees" subject to the 5% franchise fee cap. Given that New Jersey has a state law addressing cable franchising, which also impacts franchise fees, it is not clear from the FCC rulemaking whether it would preempt the state law or create even more restrictive provisions for local governments and PEG operators. This FCC proposal, while not completely clear, would appear to allow cable operators to deduct from their cable franchise fee payments the value of franchise requirements such as PEG channel capacity, connections to programming origination points, and complementary cable services to schools and other public buildings. The FNPRM also proposes that the value to be deducted from your franchise fees would be the fair market value of these "contributions," though the FCC requests comment on whether it instead should be the cable operators' costs.

(2) Prohibit local franchising authorities ("LFAs") from regulating the non-cable services offered over cable systems, other than I-Nets, and prohibit LFAs from regulating the facilities and equipment used in the provision of these non-cable services. This holding would apply to incumbent cable operators that are common carriers, and the FNPRM seeks comment on whether it should also apply to cable operators that are not common carriers. Though it is ambiguous, the proposed rule can be read to allow certain cable operators to construct and install facilities and equipment for non-cable services in the rights of way without any local regulation or compensation, which raises safety considerations and potential disparities in the application of regulations among competing providers.

If the value of PEG channels is to be credited against franchise fee obligations, you will likely see a significant part, if not all of your franchise fees eliminated. Problematically, it is expected that local elected officials, if given a choice between keeping PEG channels and losing franchise fees, or keeping franchise fees and losing PEG channels, will decide to terminate their PEG operations. Many local governments are mobilizing to file comments and/or reply comments, and to otherwise advocate against these proposed rules. Unfortunately, the comment deadline is short - November 14, 2018. Reply comments are due December 14, 2018. We are available to assist any community in having its voice heard at the FCC, if you need assistance.



# Committees

Rich Desimone, Managing Director

# Volunteerism

The Conference Committee will begin working on the 2019 expo in October. Volunteers needed. Stephanie Gibbons and Cindy Hahn will be stepping down as co-chairs of the Membership committee at the end of the year. Finance Committee is looking for help following up with those past memebtrs that did not renew in 2018.



Executive	Production	Membership
Dave Garb, President-2019	Peter Namen (Chair)	Stephanie Gibbons (Co-chair): Annual survey
<b>OPEN</b> , V.P.-2018 (One Year Term)	TBD: (Secretary)	Cindy Hahn: (Co-chair): Outreach
Linda Besink, Treasurer-2018	Dave Ambrosy: Producer	Linda Besink: (Secretary) Data Management
Dave Ambrosy, Secretary-2019	Nick Besink:	Bob Duthaler: List Serve
Anthony Pagliuco, Corresponding Sec.-2018	Brian Belzer: Editor/Camera	George Bumiller: Outreach
Stephanie Gibbons, Trustee 2018	Anthony Pagliuco: Editor/Camera	
Bob Duthaler, Trustee 2018		
Jeff Arban, Trustee 2019	<b>Legislation</b>	<b>JAG Awards</b>
Ed Cologna, Trustee 2018	Dave Grab (Chair): NATOA	Bob Duthaler (Chair):
Peter Namen, Production	TBD: (Secretary)	various members: (Secretary)
Geoffrey Belinfante, External Relations	Ada Erik: NJ Legislation	Lee Beckerman
Rich Desimone: Managing Director Action Plan	Linda Besink	David Bandfield
	Rich Desimone: Managing Director NJLOM/NATOA	
<b>Finance</b>		<b>CLOSED</b>
Linda Besink: (Chair)	<b>Sub Committee Marketing</b>	<b>Conference</b>
TBD: (Secretary)	Bruce Goldsmith: Chair	Stephanie Gibbons: (Co-chair) Registration, Municipal Outreach
Herbert Hall: Budget Review	TBD: (Secretary)	Cindy Hahn: (Co-chair) Program, Marketing, Newsletter
Bob Duthaler: Budget Review	Dave Garb: JAG Web Site	various members: (Secretary)
Stephanie Gibbons: Budget Review	Cindy Hahn: JAG Newsletter, Writer/Editor	Linda Besink: Treasurer, Registration
	Bob Duthaler: JAG Web Site	Geoffrey Belinfante: Workshops/Vendors
Outside Contract: Bookkeeper		J Robertson: Affinity Lunch & topics
Outside Contract: CPA		Bob Duthaler: Marketing
<b>External Relations</b>	Rich Desimone: Managing Director JAG Newsletter Editor	Ed Cologna: Trade Show Announcer/Meet & Greet
Geoffrey Belinfante (Chair)	Outside Contract: Social Media	Anthony Pagliuco: P&D, Tec Support
TBD (Secretary)		Jeff Arban: Power, Tec Support
Stephanie Gibbons: Members		Rich Desimone: Managing Director Conference Coordinator
Dave Garb: NJLOM Join Session, JAG Session, Booth Staffing and rooms	<b>Grants/Scholarships</b>	Outside Contract: Web Site, Program, Fliers- Dan Remollino
Cindy Hahn: Writer/Editor	Ed Cologna Chair	Outside Contract: Social Media- TBA
George Burmiller	TBD: (Secretary)	
Vivian Gaspar	Outside Contract: Grant Writer	
Mariam Rosenberg		
Rich Desimone: Managing Director Rep. to NJLOM and NATOA		



## Bits & Bytes

- Nov. 13-15 — NJ League of Municipalities Conference, Atlantic City
  - ❖ JAG will sponsor two workshops  
**Rights-of-Way and Federal Action Impacting Local Control**  
Joint Session with the NJLOM  
Tuesday, Nov. 13, 2018 2:00pm—3:40pm Room 301  
**Are We "High Tech" Enough to be a Smart City?**  
Jag Session  
Thursday, Nov. 15, 2018 9:00am—10:40am Room 318
  - ❖ Jag will have a booth on the trade show floor
- Nov. 14 — Last day to file comments to the FCC.
- Nov. 14 — NJ Wireless Association Annual Wireless Professional Networking Event
  - ❖ Harrah's Waterfront Conference Center, 5:30-8:30pm
- Nov. 16 — Nominations for JAG Executive Board close.
- Nov. 28-29 — Government Video Expo, Washington DC
- Dec. 5, 12noon-2pm — General Meeting-
  - ❖ Election (*Absentee Ballots will be emailed to all voting members and must be received prior to the start of this meeting*)
    - The following members are running for five 2 year team on the Jag Executive Board  
Lee Beckerman, Linda Besink, Bob Duthaler, Stephanie Gibbons, Anthony Pagliuco
    - The following members are running for one 1 year team on the Jag Executive Board  
Darryl Love, Bruce Goldsmith
  - ❖ Presentation by Frank Taylor, FM Valenti, Companies TBA



The Jersey Access is a Marketing Partner of Government Video Expo 2018



CASTUS



cool technology for  
• PRODUCTION  
• PLAYBACK  
• STREAMING



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## JAG meeting at Varto Technologies





## COMMITTEES CORNER

### **EXTERNAL RELATIONS COMMITTEE: *Geoffrey Belinfante, Chair***

At the last monthly JAG meeting, Rich, Stephanie and I reported on our trip to the NAB New York last month to solicit companies to attend our trade show. This isn't really news, we routinely pitch companies to attend our Conference and Trade Show. At this particular show, I made contact with a company that I think might have a product that would work well for some JAG channels. It's called Video Call Center (VCC), and while I'm certainly not pushing the product, it's software that facilitates live call in coordination for television shows, video conferences and yes, municipal meetings. I know that some of our members have encouraged people to call in to ask questions, and VCC would make this process easier. In this day when there seems to be less and less trust in our governmental institutions, perhaps a small step towards transparency and inclusion might be a step in the right direction. Just a thought. I am acutely aware that it will take a unique set of public servants and a willingness to give the public a chance to participate to allow this to happen. We may see a demo of VCC at a meeting or the trade show in the not too distant future. To join the committee, contact Geoffrey Belinfante at [geoffbel512@gmail.com](mailto:geoffbel512@gmail.com).

### **FINANCE COMMITTEE: *Linda Besink, Chair***

The Finance Committee has started the 2019 Budget process. The 2019 dues invoices will be emailed out soon, so they can begin to be processed as soon as possible. **If you're unsure of your membership status**, please email JAG Treasurer Linda Besink at [lbесink@gmail.com](mailto:lbесink@gmail.com) or call 201-650-0116. Also, **if the person who should receive invoices at your facility has changed**, please advise Linda as well. Finally, if you'd like to join JAG's Finance Committee, please also let Linda know. Any JAG member in good standing can join a committee, and it's rewarding to serve. Meetings are conducted via telephone conference calls. Please email Linda Besink at [lbесink@gmail.com](mailto:lbесink@gmail.com) or call 201-650-0116.

### **PRODUCTION COMMITTEE: *Peter Namen, Chair***

To all JAG members we are always looking for more to be a part of this committee. Please let me know if you are interested. Would like to hear from all those who attended the NAB East last month in New York City. What products caught your eye that you think we should be looking at. We would like members to tell their elected officials to stop by the JAG exhibit booth on the floor of the League of Municipalities Convention Nov. 13th-15th, and meet some of the members. Contact me at [pnamen@jagonline.org](mailto:pnamen@jagonline.org).

### **AD HOC COMMITTEES**

#### **Legislation Committee: *Dave Garb, Chair***

The FCC has proposed new rules related to cable franchising agreements. These rules would let the cable operators deduct from the franchise fees contributions, minus those from PEG capital costs and build out requirements. Every month I have been asking our membership to be the eyes and ears of JAG by joining the Legislative Committee. Help is extremely needed, especially at this time. We need your eyes and ears to keep our membership up to date with the latest information that will affect our communities and station operations. If interested in being that fly on the wall, please contact me at: David Garb at: [davegarb@paps.net](mailto:davegarb@paps.net) or call 732-376-6030 x23538.

#### **Membership Committee: *Stephanie Gibbons & Cindy Hahn, Co-Chairs***

The membership committee is looking for a new chair, I have enjoyed being it's chair but feel it needs to take a new direction. I have truly enjoyed being able to talk to members individually and get to know them. I will stay on the committee and help the new chair but no longer have the time to devote to it. Do you believe in the mission of JAG and want to share your JAG experiences with others than this is the committee for you. JAG works best when members get involved. If you have had a recent change in your contact information please let us know so we make sure you are getting the newsletter, the JAG listserv, other notices and membership renewal invoices, please contact me at [stgibbons@verizon.net](mailto:stgibbons@verizon.net).

#### **Conference Committee: *Stephanie Gibbons & Cindy Hahn, Co-Chairs***

The Conference committee will be re-organizing and having its' first meeting Nov. 20 @ 2pm. If you would like to be a part of this dynamic committee please contact me we would love to have you. REMEMBER TO SAVE THE DATE: May 23-24, 2019 and we will be returning to the Hyatt Regency New Brunswick. If you have ideas about workshops, speakers or panelists join the committee and help us to bring the best of JAG to everyone. Please join us, monthly meetings are by conference call, Contact me at [stgibbons@verizon.net](mailto:stgibbons@verizon.net).

#### **JAG Video Awards Committee: *Bob Duthaler, Chair***

Committee finished work June 1. Set to reform in March 2019

#### **Grants/Scholarship Committee: *Ed Cologna, Chair***

No report provided. To join email [ecologna@edisonnj.org](mailto:ecologna@edisonnj.org)

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New Jersey Chapter of NATOA and New Jersey League of Municipalities Affiliate

Editor: Rich Desimone, Managing Director, Staff: Cindy Hahn, Stephanie Gibbons, Linda Besink--Marketing Committee