

Minutes of the Fairfax County Consumer Protection Commission

March 19, 2013

7:30PM Conference 2/3
Government Center
12000 Government Center Pkwy.
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Bahhur,
Chung, Fee, Hargraves, Hine, Kirk,
Leppin, Nguyen, Roark, Rosier

Absent:

Commissioners: Kazmi, Martz

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
Erin C. Ward, Assistant County Attorney
Rick E. Ellrod, Director, Communications
Policy and Regulation Division
Susan C. Jones, Branch Chief,
Consumer Affairs

Guests:

Kathryn Falk, Vice President, Government
and Public Affairs, Cox Communications
J.D. Myers, Market Vice President, Cox
Communications
Chuck Pena, Executive Director, Fairfax
County Access Corporation

The meeting was called to order at 7:32 PM by Chairman Fee.

Minutes

The minutes of the February 19, 2013 meeting were approved.

Report of the Chairman

Chairman Fee introduced Jason Chung, the newest appointment to the CPC.

Report of the Director

Director Liberman informed the Commissioners that the Board of Supervisors held a budget subcommittee meeting yesterday and the public hearing will be held in April.

Commission Matters

Commissioner Kirk had no matters to bring before the commission.

Commissioner Hine had no matters to bring before the commission.

Commissioner Rosier had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Commissioner Leppin had no matters to bring before the commission.

Commissioner Bahhur had no matters to bring before the commission.

Commissioner Belkowitz had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Chung had no matters to bring before the commission.

Commissioner Nguyen mentioned a blog about food trucks in the McLean/Tyson area and inquired about the regulation and permitting of these trucks. Director Liberman stated that food trucks must obtain a solicitor's license from DCCS Regulation and Licensing Branch; the trucks cannot park in the VDOT right-of-way, and they must obtain a Zoning and Health department permit. Supervisor Smyth has appointed staff to look into this issue.

Old Business

There was no old business.

New Business

1. Cable Franchise Renewal Consideration

Erin C. Ward, Assistant County Attorney, discussed the legal background pertaining to the Federal Cable Act since the current franchise agreement will expire on June 9, 2013.

Rick E. Ellrod, Director, Communications Policy and Regulation Division, briefed commissioners on issues that were maintained from the current franchise agreement and the changes from the current franchise agreement as listed below:

Maintained from current franchise agreement:

- 5% of gross revenues from cable service – state Communications Sales and Use Tax
- 3% of gross revenues from cable service – Capital grants for Public, Educational and Governmental (PEG) Access, including the I-Net
- Institutional Network (I-Net): Fiber-optic network that connects county government, Fairfax County Public Schools and school administration sites, built to county's specifications and paid for from 3% PEG grants
- Ability to inspect construction and respond to homeowner complaints
- Television feed to county and Fairfax County Public School sites for informational, instructional, and training purposes
- Security for amounts due the county, now including bond and letter of credit

Changes from current franchise agreement:

- Customer service standards in franchise agreement, as with Verizon, Comcast
- Improved density requirement: Cox must extend service down to 30, rather than 35, homes per mile
- Improved methods for video to county and Fairfax County Public Schools, giving the county and schools greater control over the content delivered
- PEG channels can upgrade to HDTV (3 channels now, all in 5 years)
- PEG “on-demand” programming
- PEG channels included in Cox’s mobile device offerings
- PEG channels can upgrade to other advanced formats if at least half of commercial channels use them
- Emergency override of all channels by county no longer technically feasible
- County pays I-Net maintenance costs of \$220,500/year from 3% PEG grants; county paid for construction during previous franchise term and major construction is now complete)
- Removes midterm technology review of franchise, given status of competition
- From 18 to 14 access channels (10 currently in use)
- Ten-year term (begins June 9, 2013 – ends June 9, 2023); Verizon, Comcast expire 2020

Kathryn Falk, Vice President, Government and Public Affairs at Cox Communications, recommended that the CPC approve the franchise agreement and commended staff for their work during this process.

Chuck Pena, Executive Director, Fairfax County Access Corporation, also endorsed the approval of the franchise agreement.

A discussion ensued on the advertising of the public hearing, Public, Educational, and Governmental access channels, and community groups and the availability of programs on Fairfax County Access.

Chairman Fee made the motion that the Consumer Protection Commission approve the March 19, 2013, staff recommendation on the proposed renewal franchise agreement for CoxCom, LLC, and recommend that the Board of Supervisors approve the proposed agreement.

Commissioner Belkowitz seconded the motion.

The proposal passed unanimously. Commissioner Rosier recused herself from voting.

Director Liberman informed the Commission that staff received possible interest by individuals in obtaining taxicab certificates and CPC may review this issue at a future meeting.

The meeting adjourned at 8:43 PM.