



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Cable Advisory Minutes 12/06/2005

Selectmen's Cable Television Advisory Committee
Minutes of meeting of December 6, 2005

Meeting began @ 7:50pm in the Selectmen's Chambers, 2nd floor, Town Hall
Members present – Phil McCarthy, Bob Chebator, Paul Berg, & Jim Walsh. Mike Quinn joined the meeting @ 8:20pm
Also present- John Maher, Bill Soloman

The draft minutes of the meeting of October 13, 2005 were VOTED (4-0) approved on motion of Mr. Berg seconded by Mr. Walsh.

The committee discussed the Nov. 17, 2005 letter from Comcast's counsel, Robert G. Scott, Jr. of the Washington D.C. firm of Cole, Raywid & Braverman, L.L.P. requesting an administrative hearing pursuant to 47 USC § 546(c)(1) and his suggestions regarding selection of a hearing officer and the procedures to be followed for the conduct of the hearing. Mr. McCarthy stated that he would not want to agree to Mr. Scott's proposal for selecting a hearing officer and would rather have the Selectmen appoint an appropriate individual. Mr. Maher agreed. Mr. Solomon outlined the pros and cons of appointing a hearing officer rather than having the Selectmen preside. He also discussed his thoughts on the procedures the town should put in place for the conduct of the hearing. Mr. Solomon also discussed the various people and experts he believed the town would need to effectively present its case at the admin hearing. The committee reached a consensus that a hearing officer should be appointed. The names of retired Appeals Court Judge Rudolph Kass, and Alan McClennan were put forward by Mr. McCarthy and Mr. Berg put forward Attorney Joseph McDonough as a potential hearing officer. Mr. Solomon advised that the role of the hearing officer would be to preside at the hearing, evaluating oral and written testimony as well as exhibits submitted by the parties. He would also attempt to resolve any pre-hearing discovery disputes. Finally, he would prepare a report to the BoS with his recommendations on whether the preliminary denial issued by the BoS on Oct. 19, 2005 should result in a vote by the BoS of final denial. It was agreed that the central issue would be whether the Comcast proposal is reasonable to meet the town's future cable related needs and interests taking into consideration the costs and realizing that the town's own determination of its future cable related needs and interests are to be given deference.

It was VOTED (5-0) on motion of Mr. Berg seconded by Mr. Quinn that the committee recommend to the BoS that a hearing officer be appointed to conduct the hearings and that counsel prepare and send a response to Mr. Scott, assuming the BoS concur, notifying him that a hearing officer would be appointed by the town and that the town would establish and forward its procedures for the conduct of the hearing.

The meeting adjourned @ 9:50pm.