

**CITY OF ALBUQUERQUE**  
**MEETING MINUTES**  
**ALBUQUERQUE CABLE INTERNET & PEG ADVISORY BOARD**

Date: Tuesday, May 28, 2024

Time: 5:35 p.m.

Location: WebEx Virtual

**BOARD MEMBERS PRESENT:**

Janie McGuigan

Willard Hunter

Mathias Gibbens

**CITY STAFF PRESENT:**

Diego Lucero, Deputy Director, Department of Arts and Culture

Joseph L. Lynch, PEG Access Coordinator, Department of Arts and Culture

Anthony Rodriguez, Business Technology Specialist, Department of Arts and Culture

Bryan Rowland, City Attorney, City Legal Department

Brent Chapman, City Attorney, City Legal Department

Mark Leech, Director, Department of Technology and Innovation

Catherine Nicolaou, Broadband Manager, Department of Technology and Innovation

**CALL TO ORDER:**

The meeting was called to order at approximately 5:35p.m. with 3 board members present.

ITEM 1: Approved February Meeting Minutes.

Members approved the Minutes 3-0.

**ITEM 2: UPDATES AND DISCUSSION**

A) The Board invited Catherine Nicolaou, Broadband Manager and Mark Leech, Director of the Department of Technology and Innovation to provide a presentation on the status of the City of Albuquerque's buildout of Broadband and Fiber Optics and answer previously submitted questions from the Board. The Board also received a generic Fiber Optic Licensing Agreement provided by Catherine to review before the meeting.

1. Catherine stated the mission of the City of Albuquerque's Broadband Office is to "ensure that all residents, businesses and industry have equal access to high quality affordable

broadband internet services, devices, and digital literacy resources in a competitive marketplace now and into the future”.

2. The City of Albuquerque currently has four fiber optic licensing agreements signed with fiber providers. These are private companies: Vexus Fiber, SiFi Networks, Gigapower and Ezee Fiber. However, SiFi recently communicated that have decided to not come into the Albuquerque market as there were too many competing companies in the area.
3. The companies have the internal goals and a timeline in their licensing agreements to complete their buildout in three to five years. Three companies are going through the permitting process with the City Planning department at present. There is an anticipated, combined \$250 Million in infrastructure investment in Albuquerque.
4. The City’s goal is that the fiber companies meet specific guidelines and requirements as detailed in the licensing agreements. To clarify for the Board members, the agreements are Licensing Agreements not Franchise Agreements. In each of the agreements there is a stipulation that they will complete a percentage build out in the City by a certain number of months. There are different milestones in each company’s agreement to ensure they will complete what they have agreed to. When the companies extend their fiber geographic buildout-- they are expected to meet the needs of 97% or the majority of residents. The City will not allow the companies to ‘cherry pick’ certain geographic areas, i.e. “digital redlining” as per the licensing agreement. The expectation of the agreements in place are that companies will build fiber optic infrastructure in low to moderate income areas as well as provide access in both residential and commercial areas. However, private companies will do their own area analysis and design and implement their own networks according to the licensing agreement expectations.
5. Internet access is not a locally regulated industry. Municipalities and local governments cannot place any requirements on internet service providers and cannot require pricing restrictions or quality of service offerings. All Consumer protections are regulated by the FTC (Federal Trade Commission). Broadband providers are on their own to develop their cost, access and internet speed packages. The City has created via several executed licensing agreements a competitive marketplace to ensure that companies offer affordable pricing in low to moderate income areas. The expectation is that fiber is future proof technology and that the upload and download internet speeds will be symmetrical.
6. There is no interactive GIS based mapping that tracks real time fiber optic installations and locations of infrastructure. Broadband infrastructure is considered critical infrastructure by the Department Homeland Security according to Mark Leech, Director of Innovation & Technology. A question was asked if an anchor institution such as Sandia Laboratories or UNM wanted fiber connections could they negotiate directly with a fiber optic company for services and the answer was ‘yes’.
7. On May 24<sup>th</sup> members from the Department of Technology & Innovation (Catherine Nicolaou, Mark Leech and Erika Eddy), the Chair of the ABQ Cable Internet & PEG Advisory Board (Janie McGuigan) and Diego Lucero, Assistant Director of Cultural Affairs Department met to discuss a possible partnership between the Office of Broadband and the Cable, Internet and PEG Board. The Broadband office discussed their mission and activities; and, the Chair of the Cable, Internet and PEG Board discussed the Board’s 2024 Goals, one of which is educate the community about the benefits of and access to fiber optics. Mark

Leech, Director of Technology & Innovation was pleased that the Board showed interest in a collaboration, and said the biggest challenge is getting the word out about Broadband/Fiber Optics benefits. He also mentioned that Albuquerque is the 4<sup>th</sup> most digital city in the country with populations of 500,000 or above. One collaborative opportunity between the BB Office and the Cable, Internet and PEG Board is to utilize the PEG Channels to aid in community education about the Broadband Office, and, the Fiber Optic companies coming to the City. The parties agreed that consistent messaging across the BB Office and the Board is essential to educate and inform the public. Catherine Nicolaou said that using some of the marketing tools from a digital navigator program could be very helpful.

B) Monthly Reports and Presentations from the PEG Contractors/Vendors:

1. Candice Neu, Katharsis Media provided statistics and information for the previous month. Katharsis and Studio 519 hosted Skills USA broadcast journalism competition for the second year.  
The internships are winding down for the summer. They graduated 22 through this latest year. Candice expressed a financial hardship on requirement to provide a staff member on productions produced for their channel and said that it would require at least \$1,500 more per month to meet that requirement.
2. Janie McGuigan, Board Chair, expressed that City/Contractor issues are not issues for the Board to be involved in.

C) Finalize 2024 Goals for the Cable, Internet and PEG Board, as stated below:

1. Developing Marketing and Advertising goals for the PEG Channels (in conjunction with Deputy Director, Diego Lucero, Arts & Culture Department)
2. Educate the Board regarding fiber optics and internet features.
3. Educate the public on fiber optic benefits and the status/schedule of the buildout in Albuquerque.
4. Coordinate with the Broadband Office regarding the promotion of digital equity, digital literacy and access to the internet, primarily focusing on residential customers.  
The Chair asked for a formal vote to ratify these 2024 Goals and it was so moved and approved.

D) Comcast Customer Complaints and the status of Letter to Comcast

1. There were four Comcast customer complaints that Joseph Lynch forwarded to Board and Comcast that were received from city website and those were discussed at the Board meeting.
2. Mathias Gibbens, Board Member, previously drafted a letter to Comcast requesting more accurate and comprehensive reporting of all Comcast complaints via internet, website, chat, etc. The letter was forwarded to Bryan Rowland, City Attorney for his review.
3. Janie McGuigan and Joseph Lynch met on May 28 via Webex with Erin Muffoletto, Comcast Manager of External Affairs, and Jon Lehmann, Senior Director, Government and Regulatory Affairs for the Western Region of Comcast. One of the areas that was discussed was the reporting on the disposition (or outcomes) of customer complaints as outlined in the Comcast Franchise Agreement and the Customer Service Agreement as well as the need for customer complaint reporting from all the various avenues available to customers (web, phone calls, chat, etc.)

4. The Cable Board Letter was drafted by Mathias Gibbens and it requests a comprehensive quarterly report from Comcast providing information about any complaints or service outages affecting cable subscribers served under the Franchise Ordinance. As set forth in the Franchise Ordinance, this report shall include, at a minimum:
    - A. A summary, produced in the form attached as Exhibit B to the Franchise Ordinance, of service calls, identifying the number and nature of the requests and their disposition;
    - B. A log of all service interruptions; and
    - C. A summary of customer complaints referred by the City to Comcast.
  5. The Board asked the City Legal Dept representatives, Bryan Rowland and Brent Chapman, to provide their legal advice as to whether the letter as currently drafted should be sent out now; or, to give Comcast a chance to discover if they have a comprehensive database to get the customer complaints disposition information the Board is seeking. During the Webex call, Comcast representatives asked for a couple of months to discover if they have access to the customer complaint data as requested. Janie McGuigan asked for a follow up meeting in late June to discuss the status of that data. Bryan Rowland, City Attorney suggested holding off sending the letter to Comcast until that June meeting to see if they can produce the data asked for or not.
- E) Status of replacing Michael Marcotte’s Board opening  
 John Osman’s application was forwarded by Joseph Lynch to the Mayor’s staff for approval. If the Mayor and staff agree to Mr. Osman serving on the Board, they will forward his appointment to City Council for confirmation.
- F) Announcements:
1. Both Janie McGuigan and Mathias Gibbens won’t be able to attend the July Board meeting due to prior commitments, so the July meeting may need to be vacated.
  2. The June meeting will be held on the fourth Tuesday, June 25<sup>th</sup>.

/S/ _____	_____
Member, Janie McGuigan	Date
/S/ _____	_____
Member, Sebastian Noel	Date
/S/ _____	_____
Member, Willard Hunter	Date
/S/ _____	_____
Member, Mathias Gibbens	Date