

From Wednesday's Sun

Cable panel urged mayor not to back Comcast deal

Panel advised O'Malley against cable deal; officials say they didn't know

By Doug Donovan
Sun Staff

November 16, 2004, 11:08 PM EST

Mayor Martin O'Malley failed to follow the advice of his expert cable advisory panel when he pushed a new 12-year cable television deal with Comcast through the Board of Estimates.

And with the contract now awaiting City Council approval, council members say they still haven't seen a three-page letter the panel wanted to give them more than a month ago.

The five-member Cable Communications Advisory Commission, appointed by the mayor, advised against the deal in an Oct. 13 letter addressed to O'Malley and the council.

Yet council members said Tuesday that they never saw the letter or heard of the commission's opinion. They said commission members did not testify at an Oct. 13 council hearing at which the contract was discussed.

"This raises a lot of questions," said Councilman Keiffer J. Mitchell Jr., who learned of the letter Tuesday. "I would have liked to have had it at the hearings. The council needs to be aware of [the letter] and to look at it closely."

Comptroller Joan M. Pratt expressed concern that the commission's opinion was not introduced to the Board of Estimates last week, which approved the deal over her lone "no" vote.

"Why do we appoint a commission and then we don't listen to or follow their recommendations?" Pratt said. "They call this an open government, yet you have a [commission] that makes recommendations and it's not shared with the board and the administration ignores its opinions."

Michael Shea of Baltimore Grassroots Media, a public access advocacy group, said he heard that commission members "were asked not to testify" at the Oct. 13 council hearing.

Jonathan L. Shorr, the commission's president, declined to say why neither he nor members of his panel spoke at the council meeting.

Raquel Guillory, an O'Malley spokeswoman, said commission members were not discouraged from testifying or from submitting the letter into the record.

"We're not hiding anything," Guillory said.

Guillory said the mayor believed he had addressed the panel's concerns in amendments added to the contract last week that increased money for public access programming.

Shorr said in an interview Tuesday that problems remain.

In the letter, a copy of which was obtained Tuesday by *The Sun*, Shorr wrote that city government would improve its "long-term civic health" by encouraging participation in public access programming by neighborhood, educational and social groups.

"We urge you to ensure that in the pending franchise agreement, the city's priority is not the stockholders of Comcast but the citizens of Baltimore," wrote Shorr, a co-director of the University of Baltimore's school of communications design. "Until that time, we recommend that the council not approve this contract."

The franchise, which would begin Jan. 1, requires Comcast to pay the city 5 percent of the gross revenue generated from its nearly 120,000 city subscribers. The annual fee would generate about \$4.3 million for the city's general fund. The deal would also provide other revenue for public access television.

Comcast officials have said repeatedly that the deal is fair to the city because the company is giving more than the 5 percent required by law.

The letter from the advisory panel spelled out seven points of concern. Chief among them were the city's willingness to give back four of its 12 channels reserved for programs produced by the public, educational institutions and government agencies.

That also runs counter to recommendations from a consultant hired by the city to assess Baltimore's cable needs. Virchow Krause & Co. recommended in July that the city negotiate to reserve more channels to meet increasing demand for local programming.

Councilman Robert W. Curran said he did not know of the letter. He said the city agreed to eight channels because only four of the 12 existing channels are now being used. Baltimore Grassroots Media has said the public cannot use more channels without public access studios, training and financing.

The advisory commission's letter also states that the city should have had Comcast set aside money for public access, rather than passing the cost on to subscribers. The letter says the city needs to improve its monitoring of complaints against the cable provider, a concern expressed by the city's consultant.

"The contract needs lots of work," Shorr wrote.

The council is scheduled to vote Thursday on moving the contract onto Monday's agenda. A final, third-reader vote would be scheduled for the council's Nov. 29 session, Curran said.

A point of contention is how much money would go toward public access and how that cash would be generated. Under the terms of the pending contract, Comcast agreed to charge each subscriber a \$6 annual fee that would generate more than \$700,000 a year for the capital costs of public access programming on cable Channel 5 and for shows produced by city government on cable Channel 21 and city schools on cable Channel 7.

Comcast would provide \$570,000 over the next 12 years to provide public access training, plus \$430,000 over the next six years toward a summer youth employment program that could be steered to public access programming.

Shorr said the minimum needed each year to staff a public access studio is about \$225,000. He said none of the money from Comcast is designated for public access. Even if it were, he said, it would not be enough for a public access studio, training programs and equipment rental.

"The commission is trying to look out for the best interests of the citizens," Shorr said. "Comcast always holds the upper hand."

Copyright © 2004, The Baltimore Sun