

**SUBSTITUTE OFFERED  
AS AN AMENDMENT****Public Utilities**Offered by MITTIGA AND KILBY

RESOLUTION NO. 188 -1994 urging the United States Senate and House of Representatives to reconsider the Cable Act of 1992; criticizing the actions taken by Warner Cable under the provisions of the Cable Act of 1992; encouraging Akron officials to file a formal complaint about Warner Cable's new policies with the Federal Communications Commission; requesting Warner Cable to suspend its format conversion; and declaring an emergency.

WHEREAS, the Cable Act of 1992 allows cities to only regulate basic cable service rates within their city limits; and

WHEREAS, policies and restructuring implemented by Warner Cable under the Cable Act of 1992 have presented many complaints by residents of the City of Akron; and

WHEREAS, under these new policies, cable subscribers are forced to rent, without any possibility of purchasing, from Warner Cable converter boxes at a monthly rate; and

WHEREAS, these new converter boxes are incompatible with customers' equipment, and cable subscribers are limited in their abilities to view and tape satellite tier offerings and view picture to picture television; and

WHEREAS, cable customers who are subscribing to the basic tier and satellite tier and are not exercising the buy through provision of the Cable Act of 1992 have found the new converter boxes to be an unnecessary and excessive expense; and

WHEREAS, Warner Cable has until October 5, 2002 to comply with the buy through provision if it is determined that it is an excessive expense for cable subscribers; and

WHEREAS, City of Akron cable subscribers feel that they are receiving less and poorer quality service from Warner Cable under its new policies, but having to pay more for this diminished service; and

WHEREAS, Council is of the opinion that Warner Cable's new policies are unfair to the position Warner Cable holds as the sole cable provider in Akron; and

WHEREAS, the City, having already exercised its only authority regarding cable television by regulating basic cable service, sees the need to appeal to the United States Congress for more regulatory authority while simultaneously informing the Federal Communications Commission of the policies of Warner Cable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Akron:

Section 1. That Council hereby urges the United States Senate and House of Representatives to reconsider the Cable Act of 1992 and explore expanding the authority of municipalities to regulate local cable service practices.

Section 2. That Council hereby criticizes the policies implemented by Warner Cable under the Cable Act of 1992 which result in less and poorer quality cable services at increased costs to the citizens of Akron.

Section 3. That Council hereby encourages Akron officials to file a formal complaint about Warner Cable's new policies with the Federal Communications Commission.

Section 4. The Clerk of Council be and is hereby authorized and directed to forward a copy of this resolution to Ohio Senators John Glenn and Howard Metzenbaum, Ohio Congressman Tom Sawyer, the Chairman of the Federal Communications Commission, and Steve Fry, President of Warner Cable of Akron.

Section 5. That Council hereby requests that Warner Cable immediately suspend the conversion to its new format until Warner Cable officials meet with City officials on the issues of compatibility, necessity for converter boxes and customer service.

Section 6. That this resolution is hereby declared to be an emergency measure because it is necessary to reflect the citizen views on the new Warner Cable policies and explore options available to the City as soon as possible, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed March 21, 1994

Vincent Ciacco  
Clerk of Council

Dave Fryant  
President of Council

Approved March 24, 1994

[Signature]  
MAYOR Lee 4 Mc 4-11

Offered by MAYOR & COUNCIL AS A WHOLE

## Public Utilities

RESOLUTION NO. 313 -1994 stating Akron City Council's resolve to cooperate with other communities in Summit, Wayne, and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes and further requesting the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with Warner Cable's installation of the new home cable boxes; and declaring an emergency.

WHEREAS, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes; and

WHEREAS, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern; and

WHEREAS, a cooperative effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue, and

WHEREAS, it is desirable to determine the feasibility of sharing among the affected communities in the costs of consultants in dealing with the Warner Cable home terminal cable box issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Akron:

Section 1. That Council resolves to cooperate with other communities in Summit, Wayne and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

Section 2. That Council requests the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with the issue of Warner Cable's installation of the new home terminal cable boxes.

Section 3. That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

Section 4. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health or safety for the reason that Warner Cable has begun to install the home terminal cable boxes in certain areas and Council desires to take immediate action to promote regional cooperation on cable issues, and provided this resolution receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed May 2, 1994

Vincent Curace  
Clerk of Council

Dave August  
President of Council

Approved May 12, 1994

Joe Pflie  
MAYOR  
Mayor  
Warner  
Cable

Presented by: Mr. Cox  
Mr. Palmer  
Mr. Bauschlinger  
Mr. Pramuka  
Mr. Lasko  
Mr. Lazar  
Mr. Graham  
Mr. Brumagin  
Mr. Genet

RESOLUTION NO. 78-1994  
Sponsored by: Mr. Graham

TITLE: WARNER CABLE

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON PLEDGING COOPERATION WITH OTHER COMMUNITIES IN SUMMIT, WAYNE, AND MEDINA COUNTIES IN DEALING WITH THE ISSUES OF WARNER CABLE'S INSTALLATION OF THE NEW HOME TERMINAL CABLE BOXES AND FURTHER REQUESTING THE MAYOR TO DETERMINE THE FEASIBILITY OF SHARING IN THE COSTS OF CABLE CONSULTANTS TO DEAL WITH WARNER CABLE'S INSTALLATION OF THE NEW HOME CABLE BOXES, AND DECLARING AN EMERGENCY.

WHEREAS, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes; and

WHEREAS, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern; and

WHEREAS, a cooperative effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue; and

WHEREAS, it is desirable to determine the feasibility of sharing among the affected communities in the costs of consultants in dealing with the Warner Cable home terminal cable box issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Council resolves to cooperate with other communities in Summit, Wayne and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

SECTION 2. That Council requests the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with the issue of Warner Cable's installation of the new home terminal cable boxes.

SECTION 3. That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

SECTION 4. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the reason that it concerns the efficient operation of the City and shall, therefore, be in full force and effect immediately upon its passage and approval by the Mayor.

Passed May 9, 1994  
Mildred M. Key Clerk of Council  
Harold R. Cox President of Council

Approved May 9, 1994  
Gary Hart Mayor

RESOLUTION NO. 1994-156

REQUESTED BY ORRIS  
APPROVED BY PUB. IMP. COM.  
INTRODUCED BY ORRIS

A RESOLUTION STATING THAT STOW CITY COUNCIL RESOLVES TO COOPERATE WITH OTHER COMMUNITIES IN SUMMIT, WAYNE, AND MEDINA COUNTIES IN DEALING WITH THE ISSUE OF WARNER CABLE'S INSTALLATION OF THE NEW HOME TERMINAL CABLE BOXES AND FURTHER REQUESTING THE MAYOR TO DETERMINE THE FEASIBILITY OF SHARING IN THE COSTS OF CABLE CONSULTANTS TO DEAL WITH WARNER CABLE'S INSTALLATION OF THE NEW HOME CABLE BOXES; AND DECLARING AN EMERGENCY

WHEREAS, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes, and

WHEREAS, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern, and

WHEREAS, a cooperative effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue, and

WHEREAS, it is desirable to determine the feasibility of sharing among the affected communities in the costs of consultants in dealing with the Warner Cable home terminal cable box issue.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Council resolves to cooperate with other communities in Summit, Wayne and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

SECTION 2. That Council requests the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with the issue of Warner Cable's installation of the new terminal cable boxes.

SECTION 3. That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

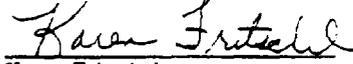
SECTION 4. This Resolution was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that Warner Cable has begun to install the home terminal cable boxes in certain areas in Summit County and Council desires to take immediate action to promote regional cooperation on cable issues, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 6/9/94

ATTEST   
Bonnie J. Emahiser  
CLERK OF COUNCIL

FILED WITH MAYOR 6/13/94

FILED WITH CLERK 6/13/94

  
Karen Fritschel  
PRESIDENT OF COUNCIL

APPROVED   
Donald J. Coughlin  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE 6/13/94

  
James A. Merlitti  
LAW DIRECTOR

Resolution 13-1994

Presented by:  
Council and Administration

STATING THE RESOLVE OF THE COUNCIL AND ADMINISTRATION TO COOPERATE WITH OTHER LOCAL COMMUNITIES IN DEALING WITH THE ISSUE OF WARNER CABLE'S INSTALLATION OF NEW HOME TERMINAL CABLE BOXES AND DECLARING AN EMERGENCY

WHEREAS, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes; and

WHEREAS, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern; and

WHEREAS, a cooperative effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the CITY OF TALLMADGE, COUNTY OF SUMMIT, STATE OF OHIO:

SECTION 1. That Council resolves to cooperate with other communities in Summit, Wayne and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

SECTION 2. That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after November 28, 1975 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this resolution is hereby declared to be an emergency measure conducive to the health, safety and welfare of the citizens of Tallmadge and to accomplish the purposes set forth herein. For that reason, provided this resolution shall receive the affirmative vote of two-thirds of the members elected to Council, it shall take effect immediately upon its passage and approval by the Mayor, otherwise at the earliest date allowed by law.

Passed: June 9, 1994

Ernest C. Casbeer  
Clerk of Council

RAS:af  
6/6/94

Filed with the Mayor June 10, 1994

[Signature]  
President of Council

Approved:  
[Signature]  
Mayor

This 10<sup>th</sup> day of June, 1994

Committee Assignments:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- Other \_\_\_\_\_

Readings 1st 6-9-94 2nd \_\_\_\_\_ 3rd \_\_\_\_\_

*A* *All of Council*

A RESOLUTION STATING THE ADMINISTRATION'S AND COUNCIL'S RESOLVE TO COOPERATE WITH OTHER COMMUNITIES IN SUMMIT, WAYNE, AND MEDINA COUNTIES IN DEALING WITH THE ISSUE OF WARNER CABLE'S INSTALLATION OF THE NEW HOME TERMINAL CABLE BOXES.

WHEREAS, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes; and

WHEREAS, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern; and

WHEREAS, a cooperative effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRLAWN, OHIO:

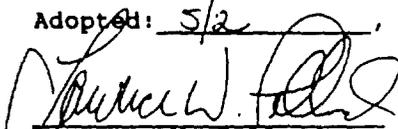
Section 1: That Council resolves to cooperate with other communities in Summit, Wayne and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

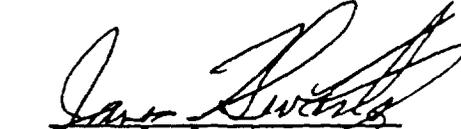
Section 2: That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

Section 3: That it is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

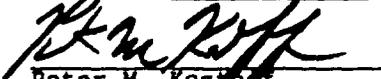
Section 4: This Resolution shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

Adopted: 5/2, 1994

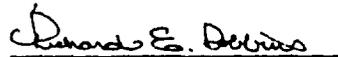
  
Lawrence W. Pelland  
Clerk of Council

  
James L. Swartz  
President of Council

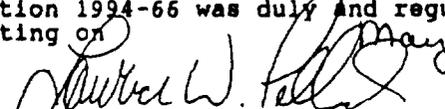
Approved: 5/3, 1994

  
Peter M. Kostoff  
Mayor

Approved as to Form:

  
Richard E. Dobbins  
Director of Law

I, Lawrence W. Pelland, Clerk of Council of the City of Fairlawn, Summit County, Ohio, do hereby certify that the foregoing Resolution 1994-66 was duly and regularly passed at a Regular Meeting on May 2, 1994.

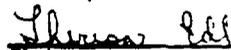
  
Lawrence W. Pelland  
Clerk of Council

5/2/94

R/1994-66

I hereby certify that the within is a true and correct copy of Res. 1994-66 duly enacted by the Council of the City of Fairlawn on 5/2/94.

In witness whereof I hereunto set my hand at Fairlawn, Ohio 5/2/94.

  
Clerk

RECORD OF ORDINANCES

RESOLUTION

~~XXXXXXXX~~ No. 28

Passed June 1

19 94

SPONSOR: C. COFFMAN

RESOLUTION OF THE COUNCIL OF THE VILLAGE OF MOGADORE PLEDGING COOPERATION WITH OTHER COMMUNITIES IN SUMMIT, WAYNE, AND MEDINA COUNTIES IN DEALING WITH THE ISSUES OF THE WARNER CABLE'S INSTALLATION OF THE NEW HOME TERMINAL CABLE BOXES AND FURTHER REQUESTING THE MAYOR TO DETERMINE THE FEASIBILITY OF SHARING IN THE COSTS OF CABLE CONSULTANTS TO DEAL WITH WARNER CABLE'S INSTALLATION OF THE NEW HOME CABLE BOXES, AND DECLARING AN EMERGENCY

WHEREAS, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes; and

WHEREAS, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern; and

WHEREAS, a cooperation effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue; and

WHEREAS, it is desirable to determine the feasibility of sharing among the affected communities in the costs of consultants in dealing with the Warner Cable home terminal cable box issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio:

SECTION 1: That Council resolves to cooperate with other communities in Summit, Wayne and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

SECTION 2: That Council requests the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with the issue of Warner Cable's installation of the new home terminal cable boxes.

SECTION 3: That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

SECTION 4: This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the Village of Mogadore, and for the reason that it concerns the efficient operation of the Village and shall, therefore, be in full force and effect immediately upon its passage and approval by the Mayor.

Paul H. Post 6-1-94  
President of Council Date

Paul H. Post 6/1/94  
Mayor Date

Attest:

Suzanne Mc Cullough, Clerk-Treasurer

This resolution offered by Doylestown Village Council

RESOLUTION NO. 9-94 stating the Village of Doylestown Council's resolve to cooperate with other communities in Summit and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes and further requesting the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with Warner Cable's installation of the new home cable boxes; and declaring an emergency.

Whereas, citizens in various communities have expressed concern and/or dissatisfaction with Warner Cable's installation of the new home terminal cable boxes; and

Whereas, Warner Cable's installation of the new home terminal cable boxes is an issue of regional concern; and

Whereas, a cooperative effort among the affected communities in dealing with the home terminal cable box issue is an advantageous method in resolving this regional issue, and

Whereas, it is desirable to determine the feasibility of sharing among the affected communities in the costs of consultants in dealing with the Warner Cable home terminal cable box issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Doylestown:

Section 1. That Council resolve to cooperate with other communities in Summit and Medina Counties in dealing with the issue of Warner Cable's installation of the new home terminal cable boxes.

Section 2. That Council requests the Mayor to determine the feasibility of sharing in the costs of cable consultants to deal with the issue of Warner Cable's installation of the new home terminal cable boxes.

Section 3. That Council resolves, to the extent possible, to deal with the Warner Cable home terminal cable box issue on a regional basis.

Section 4. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety for the reason that Warner Cable has begun to install the home terminal cable boxes in certain areas and Council desires to take immediate action to promote regional cooperation on cables issues, and provided this resolution receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

PASSED May 17, 1994

*Janetta Harlow*  
Village Clerk

*Joseph P. DeRudenan*  
President of Council

Approved May 17, 1994

*Gene E. Donald*  
Mayor of the Village of Doylestown

## **Warner Cable's upgrade no benefit for viewers**

I am writing to protest the increase that Warner Cable of Akron is forcing on the people of Akron and the way it is being done.

Several years ago, I had to have an ugly computer box because my TV wasn't equipped to handle all the channels. Then I invested more than \$1,200 on a cable-ready TV and remote that could handle more than 99 channels, and I'm receiving all these channels without renting the box and remote.

After talking to one of Warner Cable's representatives, I was told that if I didn't accept its new system of upgrading along with the box and remote, I would lose everything but channels 1 through 14, which is exactly what I received with a regular antenna.

Last year, I had a new roof installed. Since I had no use for the antenna and wiring, I had them removed. What I can't understand is, if I can receive basic cable without renting a box and remote, and since this is supposed to be an upgrading, why are we going backward?

The only upgrading I can see in this entire situation is in Warner's wallet.

**WILLY EVANCHEK**  
Akron

"Voice of the People" Sec  
Akron Beacon Journal  
2-17-94

## Warner has viewers by the new converter box

Not long ago, a cable-ready VCR could replace the converter box. Then, about five years ago, a converter box suddenly became necessary to receive premium channels. Never mind that the cable company could still turn premium channels on and off remotely at the switchboard; we were forced into getting boxes.

And the boxes, naturally, were installed next to the set and, of course, pre-empted channel switching. So, customers either had to get up to switch channels or rent a remote for \$60 a year.

Well, now we have the new-and-improved converter boxes. And guess what? Almost everyone must now have a converter box — even to get previously standard services such as USA, TNT, WTBS and Nickelodeon.

But Warner Cable has gotten smart. In addition to paying extra for the same services, we must now rent the converter box. The remote is also available for 15 cents a month, but by forcing us to rent the converter box instead of the remote, Warner can gouge everyone.

With today's technology, there is no reason these services cannot be programmed remotely at the cable company's switchboard. But that prevents Warner from bilking us for an additional \$3.60 per month, a tidy sum when multiplied by thousands of customers.

I understand the courts have already refused to allow cable companies to charge for additional cable outlets installed by the customer. But Warner will require a box be attached to each TV set, thereby allowing it to get around those court decisions. Ultimately, the public will just have to go back to court to have converter boxes forced onto the public market as telephone equipment was.

And I won't even mention the electronic surveillance capabilities Warner now has to keep the tabs on our entertainment preferences.

I urge Warner Cable customers not to let the company get away with it. They should write to this paper, to Warner Cable and to their representatives about these abusive, monopolistic practices.

STEVEN B. VANSLYCK  
*Akron*

## An upgrade for us?

Regarding Warner Cable's so-called upgrade: As one of the first group to get the upgraded service, I was disappointed to find that when cable channels 15 and up are compressed, I will no longer be able to watch one program while taping another, as I often do.

To receive any of the channels from 15, a converter will be required. This converter will only forward one channel as selected on its remote control to the TV and/or video cassette recorder, both of which will be permanently set to Channel 2. The extra money you spent for cable-ready TV or VCR will be wasted.

Further, you will be charged \$3.60 each month for the converter with remote control. All this will allow you to get many more services, almost all of which will result in fees to Warner. The deal is good for Warner, but of little value to most of us. If you want CNN you have no choice.

DONALD C. GLASSFORD  
*Akron*

*Akron Beacon Journal*  
*"Voice of the People"*  
*ca. 3-1-94*

*AKRON BEACON JOURNAL 3-2-94*

# Akron council committee to consider cable TV rate

Akron Ward 2 Councilman Donald L. Mittiga will introduce a resolution Monday urging city officials to file a formal complaint against Warner Cable with the Federal Communications Commission.

Mittiga said Saturday the resolution will be presented at the 2:30 p.m. meeting of the council's Public Utilities Committee.

He said he believes a large number of residents will turn out to express their disgust with the Warner Cable expansion that requires each television to be outfitted with a converter box and remote that cost an extra \$3.60 a month in rental for anyone getting more than basic cable service.

"My area of Akron is the first being equipped with it, and the

people are up in arms, particularly the senior citizens. Watching TV is a big part of their day," he said.

The Wadsworth City Council voted earlier to delay rate changes there for 90 days after receiving more than 100 complaints. The Silver Lake Village Council also has voted to file a complaint against Warner with the FCC.

Warner has acknowledged that some customers may dislike having to pay for the converter, but Warner officials said the box is necessary to provide a greater variety of channels and services.

In addition to the cost, customers also are upset because the converter box will prevent them from watching one channel while videotaping another.

AKRON BEACON JOURNAL 3-13-94

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## Sending a message to Warner Cable

In reference to the March 15 article "Warner president defends new system," Stephen Fry says the city of Akron told him to build the system this way. I would like to see where the city told Warner Cable to scramble its signal so current cable-ready TVs and VCRs would be obsolete and not operate as designed.

Warner Cable is intentionally scrambling its signal so that we must use its converter box. I believe the reason is two-fold.

Warner Cable is trying to circumvent the legislation that allows its customers to use as many televisions as they like without any additional charges. If Warner Cable is allowed to do this, it will cost \$3.45 plus 15 cents for the remote for each TV (to watch anything other than channels 2 through 14).

Second, if we have Warner Cable's converter box, we will be more likely to use the pay-per-view option on an impulse instead of calling in advance to order movies or special events. This is added to the bill each month.

Fry would like us to believe that Warner Cable is improving our service. If that is so, why are we paying more for the same service? (Yes, Warner Cable has added a few channels for an additional 95 cents).

That does not allow us to watch any channel and record any channel at the same time, or allow us to use our picture in the picture-in-picture option, as we did before the converter box.

Those who are unhappy with this change should call their elected officials or tell Warner Cable that they want their basic service only, at \$8.75 per month. The loss of income to Warner Cable will make more impact than anything else.

GORDON REESE  
*Talkradio*

## New cable-TV services should be optional

Nice try, Stephen Fry, putting the blame on Akron City Council and the FCC for Warner Cable forcing converter boxes on customers. Sorry, but I don't buy it.

I don't see other cable companies in the area following Warner's example.

So Warner wants to provide more services? Fine. Why not make it optional, such as Warner does for premium channels? Let those who want the new converter box have it, but let the rest of us use our cable-ready TVs and VCRs.

If Warner Cable insists on the converter box, this is one customer who will unplug the cable and hook up the antenna.

FRANK PHILLIPS  
*Slow*

3-23-94

"VOICE OF THE PEOPLE"  
AKRON BEACON JOURNAL  
3-22-94

## Converter boxes are great for Warner Cable profits

Several points need to be emphasized in the ongoing Warner-Cable-vs.-the-real-world battle.

My neighborhood was upgraded to the new system several weeks ago, even though we are not scheduled to be brought on-line until May.

But I made an amazing discovery: As the Warner folks added the new stations to the system, they weren't always quick about scrambling the signal.

I had the Weather Channel for three weeks (position 55), I still have C-Span on 47 and BET on 54. So, despite saying that we need these converter boxes to receive this "improved" service, the truth is simply that we need these converter boxes to improve Warner's profit-and-loss statement.

Second, all the articles we see refer to the \$3.45 increase for converter-box rental. We need to remember that this is for each television hooked to a cable.

If you are a typical, multi-television household, it won't take long for the converter rental to add up to more than the cable service itself.

The government says that the cable signal (along with our phone signal) belongs to us once it enters our home.

These converter boxes are simply a way for Warner Cable to recoup lost income from this ruling. If it doesn't bother the phone company, why does it bother Warner Cable?

I believe that those people willing to pay for easy pay-per-view access should be able to get it.

But I also believe that those of us who don't want this extra service should be able to buy service comparable to what we get now at a price similar to what we're paying now without converter boxes if our TV set-ups don't require them.

Anything else is a thinly disguised strategy to force rate hikes on Warner Cable's part.

Let's not just sit here. Let's get on the phone and let our City Council representatives know how we feel.

There are plenty of cable companies around. How about a little competition?

JAMES R. BELTZ  
Akron

## Viewer's goodbye to Warner Cable

So Warner Cable is paying \$180 per cable box? In a pig's eye. That may be the retail price for one, but Warner Cable is buying thousands. At that volume, you can bet that price would be cut.

Akron councilmen shouldn't let the company do this to the city and its residents. What Akron does decides the choices of surrounding cities.

I am determined not to accept an added box to my new, cable-ready, picture-in-picture television set. I can pick up the local basic channels with an antenna, and Warner can just kiss off.

My cable bill has doubled since I signed on, but the services surely haven't. I've had promises and increases and more promises. I'm ready to sign up with any competitor as soon as an alternative is available.

When I feel used and abused, I don't turn the other cheek. Bye, bye, Warner Cable.

NANCY L. BAILEY  
Norton

## Cable TV service: A matter of trust

It is inconceivable that any competent cable company would install equipment that is incompatible with cable-ready TV sets. The fact that the move was made without informing customers suggests a private agenda.

I agree with City Council that this decision should be investigated.

There is a time not far off when there will be a tug-of-war over just what company (or companies) will supply the communications needs of each home. We should be sure that we are not financing equipment for Warner to posture itself for this competition.

Warner by this deed has shown that it is not responsive to the welfare and needs of its customers and has cast doubt on its competence to be trusted with any further responsibility in the communications area.

FRANK PAKE  
Akron

AKRON BEACON JOURNAL  
"VOICE OF THE PEOPLE"

3-28-94

# Tuning in to a clearer cable TV picture

As a longtime cable-television subscriber, I have generally been pleased with Warner Cable (considering its virtual monopoly). In addition, the customer-service representatives I've talked with on the telephone, and the service personnel who have come out to our home, have been pleasant, professional and competent.

I have talked with many people and read many articles in the past few weeks about the new interactive home terminal that Warner Cable is installing, and the pros and cons of the new system and its technology. As a businessman, here is how I see it:

Bad decisions that Warner Cable made:

- Pioneer should have been contracted to make both kinds of terminals — the one being installed now (model 9500) and the one that could handle two tuners, which would have been used by those customers with VCRs, splitters, A-B switches and the picture-inside-a-picture capability.

- Representatives should refrain from saying some of us are exceptions because we may tape one cable channel while watching another cable channel. The goal should be to allow all the possibilities for the customer with the fewest pieces of hardware necessary.

Also, saying that we have an option (renting additional boxes and remote controls) is not being customer-conscious. It hints of being extraordinarily revenue-conscious.

Things to improve the situation:

- Warner Cable should provide up to two additional boxes and remote controls per customer for only \$2 more a month. This is what Warner's Stephen Fry said it would have cost to have had Pioneer manufacture the more complex one.

- Warner Cable should take the lead in pushing for the development of the next generation of converters, which will solve some of the problems.

Advances in technology are almost always difficult to understand and master in the beginning. But with concerned people in our communities getting together and discussing the situation, becoming better educated and standing firm as paying customers of Warner Cable, I am confident we can work it all out.

JAMES D. FERRISE  
Cuyahoga Falls

BARBERTON

## Warner Cable official to speak at YMCA

William Jasso, Warner Cable of Akron's director of governmental affairs, will speak at 7 p.m. Thursday at the Barberton YMCA at Third Street and Tuscarawas Avenue.

Jasso will talk about Warner's new interactive terminal being installed in customers' homes and other cable issues.

Warner has said the box is the most cost-efficient way for it to deliver new channels and services to homes. A number of Warner customers are angry because the box will cost \$3.45 a month.

The talk, open to the public, is sponsored by Citizens for Barberton, a community activist group.

F... JOURNAL

# Cable debate revisited

• Rates, converter box  
at issue as council meets  
with company officials

BY JIM QUINN

*Beacon Journal staff writer*

The debate over cable television rates will rerun tonight in Akron City Council. Council members will get two new pieces of legislation aimed at Warner Cable, and officials with the company will meet with council members to talk about the growing conflict.

As promised during last week's explosive discussion over Warner Cable, legislation has been written to authorize hiring an expert to look at the utility's rising rates and its unpopular new converter box.

Council members say they need the expert to help them assess Warner Cable's claims that federal regulations and city demands for improved service forced them to use the system being installed gradually in Akron now.

Consumers have complained that the new system is more expensive and that the converter box is incompatible with cable-ready television sets.

The council is also getting legislation from Councilman Bruce Kilby, D-10, who wants to pass a resolution criticizing Warner Cable for the conversion and hard-sell business practices.

Before the council votes on any of this, however, members will meet at 5 p.m. with officials from the company to discuss their side of the tension between Warner Cable and City Hall.

Members will also find out the extent of damage from the March 5 explosion that temporarily shut down the city's incinerator.

45-4-5-94

# Akron to hire cable expert

• City unsure of Warner Cable's installation of a new system in area homes

BY WILLIAM OUTLAW  
AND KATIE E. HARR  
*Beacon Journal staff writers*

The Akron City Council on Monday approved hiring a consultant to examine Warner Cable's conversion to a new system and put into motion public hearings on Warner's rates.

But that doesn't mean Warner's Akron customers will be seeing lower cable bills for certain.

The debate over Warner Cable's installation of new terminal boxes the company says will offer customers better service and more choices has gone on for weeks as Warner's conversion to the new system has spread in the city. Council members were eager to move forward and hire somebody to explain just what the city's options are in dealing with Warner.

"I'm sick of this thing and I want us to get to a point where we can get some answers and our constituents can get some answers," said Councilman Michael Williams, D-4.

Meanwhile, the terminal-box controversy was also the topic at a 90-minute public meeting on Monday in Barberton City Council chambers.

At the packed meeting, which preceded a council meeting, angered residents urged the Barberton council to take steps similar those taken in Akron.

Cable customers in parts of Akron that have had the new terminals installed recently have complained to council members that Warner is using high-pressure

See CABLE, Page B4

1-5-4-5-14

# CABLE

• Some say new system is a ploy to raise rates

Continued from Page B1

sales tactics and the boxes, which cost \$3.45 a month, plus 15 cents for a remote, are just a way to raise rates.

Complicating matters somewhat Monday night was an amendment proposed by Ernie Tarle, D-5, that would have asked Akron to share the costs of a consultant with other communities in Warner's service area.

But getting surrounding communities organized could take months before a consultant is hired, which is exactly what Akron's residents don't want, said John Otterman, D-6.

The whole issue of cable has developed into a huge can of worms and people want something to be done now, Otterman said.

"I've come to the conclusion in the last couple of days that the name Warner just means trouble."

Otterman said.

In Wadsworth, Warner Cable has put on hold its proposed changes for subscribers after the Wadsworth City Council approved a decrease in basic cable rates from \$13.55 to \$9.85 a month. Warner spokesman Bill Farmer said no changes will be made until the problems with the city are resolved.

The city also has filed a complaint with the Federal Communications Commission protesting the converter box requirement.

In Barberton, former Councilman John Mihocka said an expert is needed to figure out "who's right and who's wrong" in the controversy.

"There should be a cable commission. This council should make a protest to the Federal Communications Commission," said another former councilman, Al Canfora.

He and others said the issue is too complicated to be handled by the council.

After listening to a variety of Warner customer complaints, City Council President Kenneth Cox said the council needs to check with Law Director Marty Bodnar to determine what power it has over Warner's rates.

Cox, a Democrat, said he has received more constituent calls about the boxes than any other issue this year. He said that the council has not made up its mind on anything to do with the controversy and that he does not think Warner ever sought any input from the council on the issue.

Representing Warner Cable at Barberton's council hearing were Avis Boyd and Bill Jasso, who until recently was an Akron mayoral aide. Frequently lost in all the controversy over the boxes, they said, was the fact that customers will be able to receive 12 additional channels — called the Entertainment Package — for 95 cents a month.

They said the boxes were the

most cost-effective way for the company to deliver a greater variety of channels and services.

Meanwhile, council members and residents seemed particularly concerned with the fact that a terminal box will be required for each television set in a house, if the televisions are to receive more than basic service — channels 2 through 14 — via Warner Cable. They said that there has to be a different kind of technology — one that does not require multiple boxes — that Warner could use.

"If you have kids — you better have more than one TV," groused another former councilman, Steve Kyer, who now lives in Norton, just across the Barberton city line.

## TROUBLE

"I've come to the conclusion in the last couple of days that the name Warner just means trouble."

JOHN OTTERMAN  
*Akron councilman*

## PROTEST

"There should be a cable commission. This council should make a protest to the Federal Communications Commission."

AL CANFORA  
*former Barberton councilman*

## There is a way to get better cable service

Don't let Warner Cable sell you a bill of goods. The technology exists now that would permit cable consumers to:

- Use our cable-ready TV and cable-ready VCRs.
- Record any channel while watching any other channel.
- Use the remote control for volume and channel changes.
- Use the picture-in-picture option.
- Operate all TVs without any converter boxes.
- Have pay-per-view and still give Warner Cable the control required by the Federal Communications Commission and the Akron City Council.

The answer is off-premise addressability, which blocks out only the unauthorized channels at the telephone pole or side of the house and passes all the authorized channels into the house.

Several companies sell off-premise, addressable systems that are similar in cost to scrambling systems that require converter boxes.

If this is the time to install a new system, I suggest Warner Cable invest in off-premise addressability and make everyone happy.

PAUL CREME  
Akron

AKRON BEACON  
JOURNAL  
4-6-94

# Communities to talk cable

• Saying there's strength in numbers, representatives of area locales to meet April 26, discuss Warner system

• Akron likely to have representative at meeting

BY KATIE BYARD  
Beacon Journal staff writer

Leaders from as many as 15 area communities will meet on April 26 to see whether they want to join forces to oppose Warner Cable's controversial conversion to a new system.

The meeting will mark the first time that some — or all — of those communities served by Warner Cable of Akron will discuss whether they want to pool resources to figure out who is wrong and who is right in the controversy.

"There's strength in numbers," said Springfield Township Trustee Al Schrader, who is helping to organize the cable confab. He said at the very least, the meeting would serve as a brainstorming session.

The technology issues are so complicated that cable customers can't just listen to Warner's reasons for installing the interactive terminals and then "nod (in agreement) like the puppy in the back of somebody's Chevy," Schrader said.

The communities, however, could decide to take a more aggressive posture. There is talk of creating a consortium to deal as a group with Warner Cable.

The current debate, which has triggered hundreds of telephone

calls to elected officials, focuses on the new terminals being installed this year.

Warner says the devices are the most cost-effective way to deliver new channels and services.

The terminals — which decode the channels individual customers buy — will add at least \$3.45 a month to many cable bills.

It was not clear Tuesday how many of the 15 communities would be represented at the meeting at 7 p.m. April 26 at Fairlawn City Hall.

Akron City Council members, whose constituents represent the largest block of Warner Cable subscribers, recently approved legislation allowing Mayor Don Plusquellic to hire an expert. Proposals are being solicited from various cable consultants.

Noting such moves, Fairlawn Councilman Dave Effler said, "There's no sense in everybody duplicating each other's efforts."

Becoming part of a joint effort to deal with Warner Cable is "always a possibility," said Akron Law Director Max Rothal.

Akron City Council President Dave Bryant said that someone from Akron would likely be at the Fairlawn meeting. But Bryant cautioned that each area's cable franchise agreement is different and

therefore each area may need tailored information.

The terminals cost \$3.45 a month. What upsets many customers is that a separate terminal is required for each television set receiving more than basic cable service — channels 2 through 14.

There also is the argument that the terminal is, in a sense, a step backward. With a single terminal, customers will not be able to watch and tape different cable channels at the same time.

It was Schrader who floated the idea of a joint meeting in a letter sent to officials of the 14 affected Summit and Medina county communities.

One community Schrader and others hope to hear from is Wadsworth — considered by many to be in the forefront of grappling with the conversion.

Wadsworth already has spent some \$10,000 in cable franchise fees attempting to lower its basic cable rates and researching the necessity for and fighting the customer cost of the terminal. The city has used a consulting firm in Portland, Ore., and lawyers in Washington, D.C.

Wadsworth cable commissioner and service director William Lyren said Tuesday that he was not yet aware of the Fairlawn meeting, but he said someone from Wadsworth would likely go.

So far, Schrader says he's heard seven communities that are likely to attend the meeting. Those communities are Fairlawn, Lakemore, Tallmadge, Doylestown, Stow, Barberton and Akron. Also invited are Cuyahoga Falls, Mogadore, Munroe Falls, Norton and Silver Lake.

## SUBSCRIBERS

Areas served by Warner Cable and number of subscribers in each area:

Akron.....	55,317	Norton.....	2,380
Barberton.....	7,337	Springfield Twp.....	3,269
Cuyahoga Falls.....	12,291	Silver Lake.....	808
Stow.....	8,098	Doylestown.....	710
Tallmadge.....	3,811	Wadsworth.....	4,292
Fairlawn.....	2,156	Wadsworth Twp.....	453
Mogadore.....	997		
Lakemore.....	624		
Munroe Falls.....	1,370		

Note: Warner also has 8 subscribers in Copley Township and 22 in Coventry Township.

## Warner Cable's plans aren't remotely plausible

I don't feel the Akron City Council is doing enough, quickly enough, with regard to the Warner Cable television situation. Some council members don't want an adversarial relationship with Warner, but

that's exactly what it should be. A natural monopoly such as that given cable TV operators has to be monitored by representatives of the people, if the elected council members are truly to represent the people rather than special interests.

Clearly, the current changes under way in our cable TV system are giving us less service, more aggravation and higher charges.

Is it too late to stop the cable converter box steamroller? The people are looking to Akron's leadership for action.

**RON SUTHERLAND**  
*Akron*

## Warner's cable delivery is more village than global

Warner Cable of Akron has delivered yet another hollow promise, offering an information superhighway, but delivering an alley full of chuck holes.

Since the early 1970s, when Akron was first wired, Warner has promised two-way interactive television with enhanced community involvement. The recent expansion of channels has failed to deliver anything of real substance toward meeting the goal of knitting together the global village for Akron-area residents.

Also, the channel space allocated to the multiplex and redundant superstations would be better used to provide more community involvement. Why not provide a channel where viewers can register opinions interactively on issues in front of their city council? Why not distribute University of Akron TV courses on cable? The terminal, despite its limitations, could provide a real avenue for students to interact with the instructors.

Other cities offer cable customers full two-way travel on the Internet information superhighway, linking both TVs and personal computers through the cable boxes. In those cities, subscribers can search libraries, get weather maps, gossip and read news through their cable systems. It is time to get with the program.

**BILL MAYHEW**  
*Cuyahoga Falls*

AKRON BEACON JOURNAL  
Wed., 4-27-94

## MEETINGS

MUNROE FALLS

### Warner Cable gets piece of city's mind

The Munroe Falls City Council Tuesday night approved a resolution expressing displeasure with Warner Cable for requiring new cable boxes for reception of channels beyond the basic service.

The council also approved a resolution joining with other communities in a study of the cable service company and its fees.

— JOE DURBIN

AKRON BEACON JOURNAL  
Wed., 5-18-94

ABJ  
7-12-94

**Cable savings possible  
by refusing converter box**

June 28 was the day Warner Cable put into effect Channels 2 to 14 for customers in our neighborhood who did not have the \$3.45-per-month converter box installed. Our cable bill will now fall from \$23.69 to \$8.34 a month.

To keep what we had, the basic and the satellite tiers, plus the "a la carte" package, we would have had to pay an extra \$43.20 per year — for the box and the remote. But because we refused to have the box installed, we are not only saving that extra expense, we are saving \$184.20. That's a total of \$227.40 a year.

COLEEN SWEENEY  
Acrux

Congress of the United States  
House of Representatives  
Washington, D.C.

THOMAS C. SAWYER  
9th DISTRICT  
OHIO

May 13, 1994

EDUCATION AND LABOR  
HUMAN AFFAIRS  
POST OFFICE AND  
CIVIL SERVICE  
CHAIRMAN, SUBCOMMITTEE ON  
CENSUS STATISTICS AND  
POSTAL PERFORMANCE  
STANDARDS OF  
OFFICIAL CONDUCT

Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Chairman:

I am writing to inquire about possible FCC action on an issue of real concern to many of the people I represent. In recent weeks, my office has had several discussions with FCC officials on this matter. Specifically, I want to inform you of the potential effects on the communities of my district of any new regulation that would require the unscrambling of cable channels that were not scrambled prior to the passage of the Cable Act of 1992.

At this time, Warner Cable of Greater Akron, which serves a significant portion of my district, is proceeding with a \$60 million system upgrade. In order to comply with the "no buy-through" provisions of the Cable Act while also protecting their product from theft, Warner holds that it is necessary to scramble the previously unscrambled "satellite," or expanded basic, tier.

For many of my constituents, this means that they will for the first time need to rent a "home terminal" to retain their current level of service. Since Warner is upgrading to a system with interactive potential, these terminals will be relatively expensive -- \$3.45 per terminal per month. Consumers who have had cable service to multiple televisions will need multiple terminals. In addition, the terminal will not permit the recording of one cable channel while viewing another. The only way to avoid this problem at the present time is to rent yet another terminal. As a result of this upgrade, therefore, many of the people I represent have seen their cable bills go up substantially without receiving tangibly improved service. Clearly, these additional costs are in equipment charges which may well fall within FCC fee schedules. However, the net result is that consumers must now pay significantly more per month to sustain their previous level of service.

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