



# MINUTES

## FPB Board Meeting

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5:00 PM - Tuesday, March 21, 2023  
Community Room

The Frankfort Plant Board met on Tuesday, March 21, 2023 at 5:00 PM in the Community Room.

### ATTENDANCE:

John Cubine, Board Chair  
John Snyder, Board Vice Chair  
Stephen Mason, Board Secretary/Treasurer  
Kathryn Dutton-Mitchell, Board Member  
Jason Delambre, Board Member  
Gary Zheng, General Manager  
David Billings, Director of Water Operations  
Harvey Couch, Marketing Video Content Coordinator  
Katrina Cummins, Finance Director  
David Denton, Chief Financial Officer  
Vent Foster, Chief Operations Officer  
Cassie Estill, Customer Service Supervisor  
Adam Hellard, Cable/Telecom Superintendent  
Scott Hudson, Electric Superintendent  
Cathy Lindsey, Communications & Marketing Director  
Kathy Poe, Executive Assistant to GM  
Hance Price, Assistant GM Administration/Staff Attorney  
Leigh Ann Phillips, Support Services Director  
Deron Rambo, Network Operations Center Director  
Travis McCullar, Chief Electric Engineer  
Nichell Brown, Human Resource Director  
Shane Holt, Asst. Cable/Telecom Superintendent  
David Columbia, Community Television Coordinator  
Brian Bourne, Water Distribution Superintendent  
JC Lyons, Safety Director  
Brandon Powers, Water Treatment Plant Superintendent  
Ryan Henry, Assistant IT Director  
April Rhodes, Customer Service Supervisor  
State Journal

**1 ACTION ITEM: APPROVAL OF MINUTES**

- 1.1 Consider Approving the Minutes for the March 3, 2023 Special Board Meeting.**

*Kathryn Dutton-Mitchell moved to approve the Minutes for the March 3, 2023 Special Board meeting. Jason Delambre seconded the motion.*

**CARRIED.**

**2 ACTION ITEM: ACCEPT FINANCIALS**

- 2.1 Consider Accepting the Financial Statements for the Month Ending February 29, 2023.**

*Stephen Mason moved to accept the Financial Statements for the Month Ending February 29, 2023. John Snyder seconded the motion. CARRIED. 5 to 0.*

- 2.2 Informational Item: Discuss 2023-2024 FPB Budget Preparation and Approval Timeline.**

**3 INFORMATIONAL ITEM: PUBLIC COMMENT**

**4 INFORMATIONAL ITEM: DEPARTMENTAL REPORTS**

- **PUBLIC INFORMATION**
- **POTENTIAL OR AGREED UPON RELATED PARTY TRANSACTIONS**  
None Reported.
- **NETWORK OPERATIONS CENTER (NOC)**
- **CUSTOMER SERVICE**
- **TELECOMMUNICATIONS**
- **ELECTRIC DEPARTMENT**
- **SEPA**
- **KYMEA**
- **SAFETY**
- **WATER DISTRIBUTION**
- **WATER TREATMENT PLANT**

5 ACTION ITEMS:

- 5.1 Consider: (1) Increasing rate for Cable Network Pass-Through Fee, (2) Increasing rate for Bulk cable I and Bulk cable II, (3) Reducing Digital Gateway Fee, (4) Reducing Starz/Encore rate, and (5) Update FPB Local Weather Advertising Rates. (Harvey Couch will discuss)

Staff recommends the approval of proposed rate and tariff changes effective May 1, 2023. The proposed Cable Network Pass-through Fee, and Bulk cable rate increases are a direct pass-through of increased programming costs of the local broadcast stations and the cable networks on Classic Cable. If approved, the Cable Network Pass-Through Fee would increase from \$60.19 per month to \$63.81 per month, the Bulk Cable I rate would increase from \$15.25 per outlet per month to \$16.20 per outlet per month, the Bulk Cable II rate would increase from \$26.60 per outlet per month to \$28.14 per outlet per month, the Digital Gateway Fee would be decreased from \$2.50 per household per month to \$2.40 per household per month, the Starz/Encore rate would be decreased from \$15.00 per month to \$9.00 per month, and the FPB Local Weather Advertising rates would be updated.

On January 17, 2023, the Board approved the public meeting notice, and that hearing was conducted on March 3, 2023. No customer comments were received at that hearing or between January 18 and March 10, 2023.

*John Snyder moved to approve (1) Increasing rate for Cable Network Pass-Through Fee, (2) Increasing rate for Bulk cable I and Bulk cable II, (3) Reducing Digital Gateway Fee, (4) Reducing Starz/Encore rate, and (5) Update FPB Local Weather Advertising Rates. Stephen Mason seconded the motion. CARRIED. 5 to 0.*

- 5.2 Consider Approving Roku Distribution Agreement Amendment. (Harvey Couch will discuss)

Staff recommends approval of the Roku Distribution Agreement Amendment. FPB's App-based Video Offering, Nextband Stream, is currently available on the following platforms: Apple (iPhone, iPad, and Apple TV), Android (phone, tablets, and Android TV), and Amazon Fire TV. The last platform that we have yet to support is Roku, which by some estimates has 40% of U.S. streaming media player install base.

This agreement would allow FPB to deploy the Nextband Stream app on Roku devices. Like the other platforms, there is no start-up or recurring cost to FPB to offer Nextband Stream on Roku devices. However, Roku does require operators who distribute streaming apps on their platform to remit a bounty to Roku for any customer who signs up for a video package on the Roku device itself. Customers who sign up for the service through FPB's customer portal or by calling and placing an order through an FPB customer service representative would not be subject to this bounty. It would only be for customers who order



the service through the Nextband Stream app on the Roku device itself. Staff feels (and Roku agrees) that the number of customers who sign up for a video service through the app will likely be very small if it occurs at all. If FPB decides at any time to remove the Nextband Stream app from the Roku platform, there is no penalty.

The staff attorney has reviewed the agreement and it meets with his approval.

**Item Tabled.**

**5.3 Consider Approval of 11 Kentucky Infrastructure Authority Modified Award Letters Dated February 21, 2023 from the Kentucky Infrastructure Authority from Kentucky Broadband Deployment Program Grant Funds. (Gary Zheng will discuss)**

In November 2022, FPB submitted proposed amendments for each of the 11 Broadband Deployment Fund Grant Program (BDP) Grant Assistance Agreements (GAA) FPB received on August 3, 2022. On February 28, 2023, FPB received 11 Kentucky Infrastructure Authority (KIA) Modified Award Letters Dated February 21, 2023 from the Kentucky Infrastructure Authority from Kentucky Broadband Deployment Program Grant Funds. Below is a summary of the KIA award, FPB match, and Franklin County Fiscal Court match information throughout the award acceptance process.

If the FPB Board approves these modified awards the KIA will send grant award documents for review and execution that set forth the conditions of the program and will facilitate the disbursement of BDP Grant Project funds.

Attached to this board packet are additional details on the original preliminary award received June 17, 2022, the proposed amendments made by FPB on November 10, 2022, and the modified award details received February 28, 2023.

	KY Broadband Deployment Program Preliminary Award Totals - 6/17/22	FPB Proposed Amendment to Grant Assistance Agreements - 11/10/2022	Proposed Modified Award Letter by KY Office of Broadband Development - 2/21/2023	Original Prelim Award vs. FPB Proposed Amendment	FPB Proposed Amendment vs. KYOBD Proposed Modified Award
KIA Preliminary Award	\$ 8,045,741	\$ 8,306,498	\$ 8,589,554	\$ 260,757	\$ 283,056
FPB Match	5,047,843	5,306,499	5,589,555	258,656	283,056
FCFC Match	2,997,898	2,999,999	2,999,999	2,101	-
	\$ 16,091,482	\$ 16,612,996	\$ 17,179,108	\$ 521,514	\$ 566,112

***Kathryn Dutton-Mitchell moved to approve 11 Kentucky Infrastructure Authority Modified Award Letters Dated February 21, 2023 from the Kentucky Infrastructure from Kentucky Broadband Deployment Program Grant Funds. Jason Delambre seconded the motion. CARRIED. 5 to 0.***



5.4 **Consider Approval of Master Services Agreement with Paymentus Corporation for Electronic Bill Payment and Merchant Card Services. (David Denton will discuss)**

FPB staff are always looking for ways to improve customer service experience for our customer-owners while working to improve internal efficiency. When it comes to the FPB's customer service experience we want to meet the customer where they are. If customers want that local, hometown in-person service we do that and do it well. If a customer wants to utilize technology to fast and conveniently conduct business with FPB anywhere in the world, we want to offer that experience also. Staff have been looking at ways to enhance and expand the billing and customer experience by offering more modern payment options to the customer at a lower convenience fee while improving back-office efficiency and recordkeeping.

In February 2023 staff issued a RFP for Merchant Card Services to seven vendors. FPB received three responses to this RFP. One vendor, Paymentus Corporation, offered all the products and services we were looking for in a new, modern application. A copy of the RFP and the Paymentus RFP response have been provided to FPB Board members for review. There will be no cost to FPB for the implementation and integration to Paymentus and FPB will be able to lower the Convenience Fee on credit/debit cards to \$3.50 per transaction from today's fee of \$3.95 per transaction. Below is a list of the payment methods, payment types, and payment channels offered by Paymentus:

- Payment Methods – Visa, Mastercard, Discover, American Express, ACH/eCheck, Cash, PayPal, PayPal Credit, Venmo, Amazon Pay, Apply Pay, Google Pay, and more.
- Payment Types – one-time (immediate and future-dated), recurring/AutoPay, ad hoc, payment plans, prepaid and more.
- Payment Channels – Web, mobile, mobile wallet, text, email, IVR, call center, chat, in-person (cashier, kiosk, Walmart, other retail locations), bank channel and more.

**FPB will continue to offer all of the “Free” ways customer-owners can pay today, which is shown in the box below.**

Staff is requesting approval of the Master Services Agreement with Paymentus Corporation.

FPB's Ways to Pay Today



Ways to pay		
	Cost to You	Method
FPB eCheck	Free	Bank Account
Automatic Bank Draft	Free	Bank Account
Your Bank's Website	Free	Bank Account
Online with Speedpay	\$3.95 (Convenience Fee charged by Speedpay)	Debit, Credit
Phone with Speedpay	\$3.95 (Convenience Fee charged by Speedpay)	Debit, Credit
Frankfort Whitaker, Limestone Bank locations	Free	Cash, Check, Money Order
FPB Depository Box	Free	Check, Money Order
FPB Administration Building	Free	Cash, Check, Money Order
Mail	Postage	Check, Money Order

***John Snyder moved to approve the Master Service Agreement with Paymentus Corporation for Electronic Bill Payment and Merchant Card Services. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 5 to 0.***

**5.5 Consider approving changes to FPB's Well Living Health Plans Colorectal Cancer Screening requirements. (Nichell Brown to discuss)**

Frankfort Plant Board health plan follows the A & B recommendations for US Preventive Services (a copy of the recommendation is in the detail pages). As new recommendations are required, our health plan adopts the new A & B recommendations. Effective May 18, 2021, the recommendation for Colorectal Cancer Screening requires that health plans cover colonoscopies beginning at age 45 (which our plan is currently up to date and in compliance). However, our Well Living health plans require colorectal cancer screening to begin at age 50 for enrolled members.

Staff asks the Board to keep the age 50 requirement for the 2023 Well Living health plans and reduce the requirement age to 45 in 2024 to allow members enough time to schedule their preventive colorectal screenings.

Keeping the age requirement at 50 for the remainder of the 2023 plan year will not affect our health plans compliance because the overall health plan allows members aged 45 and up to receive preventive colorectal cancer screening at no cost to the member as long as it follows the A & B preventive recommendation.

***Stephen Mason moved to approve changes to FPB's Well Living Plans Colorectal Cancer Screening requirements. John Snyder seconded the motion. CARRIED. 5 to 0.***



5.6 Consider Changes to FPB's Health Plan concerning the Cigna network.  
(Nichell Brown to discuss)

Frankfort Plant Board health plan utilizes the Cigna network for medical claims pricing. January 1, 2023, one of our frequently used providers was unable to reach an agreement with Cigna and did not participate until February 1, 2023. In the meantime, to lessen the disruptions of medical care for members that had appointments with this provider, we offered our members the option to enroll in a temporary network, Private Healthcare Systems (PHCS) that included the frequently used provider. We had 28 members and their dependents switched to the PHCS network.

Staff worked with Sherrill Morgan, our health plan broker to explore other network options; however, the recommendation is to continue to use the Cigna network for the remainder of the 2023 health plan year since the provider and Cigna have reached an agreement.

Staff asks the Board to approve discontinuing the use of the PHCS network and switch the 28 members and their dependents back to the Cigna network with effective date April 1, 2023.

*Stephen Mason moved to approve changes to FPB's Health Plan concerning the Cigna network. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 5 to 0.*

5.7 Consider Accepting the Minutes of the March 16, 2023 Ethics Committee Meeting.

*Stephen Mason moved to accept the Minutes of the March 16, 2023 Ethics Committee Meeting. John Snyder seconded the motion. CARRIED. 5 to 0.*

6 INFORMATIONAL ITEM: GENERAL MANAGERS COMMENTS

7 INFORMATIONAL ITEM: OLD & NEW BUSINESS

8 REQUEST PERMISSION TO HAVE CHAIR CALL FOR A CLOSED SESSION

- 8.1 Request permission to call a Closed Session pursuant to KRS 61.810(1)(b) for deliberations on the future acquisition of real property since publicity would be likely to affect the value of a specific piece of property to be acquired for public use; KRS 61.810(1)(c) to discuss pending or proposed litigation regarding property and products matter; KRS 61.810(1)(g) to discuss a specific proposal that if openly discussed would jeopardize the siting, retention, expansion or upgrading of a business; KRS 61.810(1)(m) to discuss infrastructure records that expose a vulnerability through the disclosure of the location and configuration of public utility critical



systems exempted from disclosure under KRS 61.878(1)(m)1.f.; and KRS 61.810(1)(n) to discuss the selection of a bidder for the award of a contract.

*John Snyder moved to go into Closed Session pursuant to KRS 61.810(1)(b) for deliberations on the future acquisition of real property since publicity would be likely to affect the value of a specific piece of property to be acquired for public use; KRS 61.810(1)(c) to discuss pending or proposed litigation regarding property and products matter; KRS 61.810(1)(g) to discuss a specific proposal that if openly discussed would jeopardize the siting, retention, expansion or upgrading of a business; KRS 61.810(1)(m) to discuss infrastructure records that expose a vulnerability through the disclosure of the location and configuration of public utility critical systems exempted from disclosure under KRS 61.878(1)(m)1.f.; and KRS 61.810(1)(n) to discuss the selection of a bidder for the award of a contract. Jason Delambre seconded the motion. CARRIED. 5 to 0.*

9 CLOSED DOOR SESSION

9.1 To come out of Closed Session.

*John Snyder moved to come out of Closed Session. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 5 to 0.*

10 ACTION ITEM: POSSIBLE ACTION REGARDING CLOSED DOOR DISCUSSION

10.1 Action Taken.

*John Snyder moved to direct Staff to proceed as directed by the Board in Closed Session. Jason Delambre seconded the motion. CARRIED. 5 to 0.*

11 ACTION ITEM: ADJOURNMENT

11.1 Adjourn Meeting.

*John Snyder moved to Adjourn. Kathryn Dutton-Mitchell seconded the motion. CARRIED. 5 to 0.*

*Minutes March 21, 2023*

*[Signature]*  
*Bob Chen*

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