

August 8, 2011

Ms. Jennifer Rand, Chair
Island Cable Advisory Committee
Town of West Tisbury
P.O. Box 278
West Tisbury, Massachusetts 02575
BY MAIL and E-MAIL(townadmin@westtisbury-ma.gov)

Re: Proposed charges/costs for continued legal services - Comcast cable license renewal

Dear Ms. Rand:

I am writing as discussed, to outline the proposed scope of services and cost for legal services going forward with respect to the Comcast license renewal for the six(6) Martha's Vineyard towns. As you are aware, in my initial proposal, which was thereafter codified as an agreement and entered into with each community, I proposed and agreed to provide up to 150 hours of legal services (\$24,000) at the cost of 90 hours of legal services (\$14,400). I ended up providing a total of 238.70 hours of legal services (\$38,192.00) for the cost of 90 hours (\$14,400). In addition, the expenses I incurred for the work through June 30th, including an additional \$300 for the services of Attorney Tom Mullen for his work on a letter for the RFP regarding the issue of compliance with applicable law) were \$6,931.98, and I was reimbursed for \$3,020 of the expenses incurred.

As I have mentioned, going forward, my initial scope of services includes providing a preliminary denial motion and written statement to each town at no cost. I would anticipate the written statement being approximately twenty (20) to thirty (30) pages, involving approximately forty (40) hours in total.

With respect to other services going forward, I have offered to participate by phone in any committee meeting, including negotiations with Comcast during such meetings, at no charge. Thus, for instance, I participated in negotiations for just short of two (2) hours on July 28th at no charge. I would, of course, be able to attend any negotiation session or other meeting on the Vineyard in person, and would charge my hourly rate of \$160 per hour, providing forty-five (45) minutes of travel time in each direction at no cost, as a courtesy to the towns. (I have not and do not charge for mileage, but would require reimbursement for ferry costs.) Similarly, the same hourly rate would

apply to any negotiation session(s) with Comcast at another location, such as the Comcast office in Plymouth, or by telephone directly with the Comcast representative(s), which occur prior to the license drafting stage, referenced below.

Based on the wider range of issues that are currently being negotiated, as well as other factors, it is clear that the time for drafting and revisions (which includes negotiating the license language with Comcast after the basic business terms are agreed upon) will be in excess of the original estimate of thirty (30) hours. Accordingly, I proposed providing up to fifty (50) hours of legal services (\$8,000) for this task, at the cost of thirty (30) hours of legal services (\$4,800). (Of course, in the unexpected event that this work involved less than 30 hours, the cost would be based solely on the hourly rate of \$160 per hour, and would be less than \$4,800.) Any work in excess of fifty (50) hours, which is a reasonably possibility, but not a certainty, would be charged at the rate of \$160 per hour, with prior notice to the Committee, and approval therefore, required in order to receive such additional compensation consistent herewith.

Expenses, such as copying costs, but not including mileage costs or costs for faxes, mailing or telephone, will be charged at the actual costs incurred.

Based on the above proposal, the cost of legal services going forward will depend on a number of factors, including whether my presence is requested at a negotiation session(s) or other meeting (such as a meeting of a Board of Selectmen to review the proposed license). We should discuss these factors in order to better determine the estimated cost for legal services going forward.

Please feel free to contact me if there are any questions. It has been a pleasure working with each town and their representatives on the Cable Advisory Committee, and I appreciate the opportunity to do so, as we work toward reaching quality cable licenses for each of the Towns.

Sincerely,

William H. Solomon
Special Cable Counsel