

LINDA LINGLE GOVERNOR

JAMES R. AIONA, JR. LT. GOVERNOR

STATE OF HAWAII OFFICE OF THE DIRECTOR DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310 P.O. Box 541 HONOLULU, HAWAII 96809 Phone Number: 586-2850 Fax Number: 586-2856 www.hawaii.gov/dcca

July 27, 2007

LAWRENCE M. REIFURTH DIRECTOR

> RONALD BOYER DEPUTY DIRECTOR

Mr. Nate Smith President Time Warner Entertainment Company, L.P. 200 Akamainui Street Mililani, HI 96789-3999

Re: <u>Letter Order – 6th Access Channel for Oahu Cable Franchise Area</u>

Dear Mr. Smith:

In a Letter Order dated January 9, 2007, the Department directed Time Warner Entertainment Company, L.P. ("**TWE**") to continue the designation and activation of the 6th Access Channel for the Oahu franchise area for an additional 180 days (i.e., until August 9, 2007). The Department deferred making a final decision on the 6th Channel pending receipt of further information from Olelo on its final viewership statistics.

On March 31, 2007, Olelo provided its report, "Focus 49 in the Community: The Impact of 'Olelo's Sixth Channel, Update," which summarized the results of two surveys (one of viewers and the other of Olelo's clients) conducted by Ward Research. Subsequently, pursuant to a request by the Department, Olelo submitted a copy of the Ward Research Client Survey and questions. On June 26, 2007, TWE submitted comments on Olelo's updated report and client survey results.

In the meanwhile, the competitive procurement process for PEG access services is ongoing, and it is projected that the Request for Proposals ("**RFP**") will be issued in the near future. In response to the RFP, bid proposals may reference the number of activated access channels that Offerors will need to provide PEG access services covered in the RFP, and may also include the use of digital channels as opposed to analog channels. Prior to making a final decision on the 6th Access Channel, the Department would like the opportunity to consider any relevant information on access channels that may be provided as part of the RFP process.

Mr. Nate Smith July 27, 2007 Page2

Accordingly, the Department defers its final decision on the 6th Channel at this time and directs TWE to continue the designation and activation of the 6th Access Channel for the Oahu franchise until December 31, 2007. Except as otherwise provided in this letter Order, the remaining provisions of Decision and Order No. 154 (including but not limited to section 5.2), as amended by Decisions and Orders Nos. 156, 158, 243, 261, 320 and 326, shall continue to remain in full force and effect.

If you have any questions on the above, please contact Mr. Clyde Sonobe, the Cable Administrator, at (808) 586-2620. Thank you for your cooperation.

Sincerely, Lawrence M. Reifurth Director of Commerce and Consumer Affairs

c: Kealii Lopez, Olelo Clyde S. Sonobe, CATV