

CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

Watanabe Ing^{LLP}
A LIMITED LIABILITY LAW PARTNERSHIP

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January 8, 2013

FILE _____

VIA HAND DELIVERY

Ms. Jo Ann M. Uchida Takeuchi
Deputy Director
Department of Commerce & Consumer Affairs
King Kalakaua Building
335 Merchant Street, Room 101
Honolulu, Hawaii 96813

**Re: Oceanic Time Warner Cable LLC's Notice of
Intervention in DCCA's Proceedings to Designate PEG
Access Organization for Kauai Pursuant to Act 19 (SLH 2011)**

Dear Ms. Takeuchi:

Pursuant to Act 19, Session Laws of Hawaii 2011 ("Act 19"), the Department of Commerce and Consumer Affairs ("DCCA") Guidelines to Designate PEG Access Organizations Pursuant to Act 19 (SLH 2011) dated September 2, 2011 ("DCCA Public Access Guidelines"), and Oceanic's letter to Ms. Keali'i Lopez dated December 13, 2011, this is to inform the DCCA that Oceanic Time Warner Cable LLC ("Oceanic"), requests intervention in the public hearing for Hoike Community Television, Inc.'s ("Hoike") Application to Provide PEG Services for Kauai, Hawaii filed October 4, 2012.

As the DCCA is aware, Oceanic provides the funding for the Access Operating Fees and the annual capital contributions to Hoike as described in the DCCA Public Access Guidelines, and such payments are also required by Decision and Order No. 281 (July 10, 2002). Since 2002, Oceanic has provided a total of approximately \$5.3 million to Hoike in Access Operating Fees and annual capital contributions. In its application, Hoike make various representations regarding its operating and capital reserves, as well as the ownership of certain capital assets, unexpended capital and unrestricted funds, and scope of services, all of which (among other factors) will affect the amount that Oceanic should be required to provide to Hoike going forward.

Oceanic further notes that in Hoike's Response to the DCCA's First Request for Information, dated December 7, 2012, Hoike refused to disclose the amount of cash, marketable securities or other liquid reserves that it holds as of December 31 for each of the years 2006 through 2011 (and an update as of December 31, 2012), and also

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refused to disclose the balance in its operating funding accounts and capital funding accounts for each of the years 2006 through 2011 (and an update as of December 31, 2012). Oceanic believes this information, among others, is necessary to evaluate Hoike's application and must be produced.

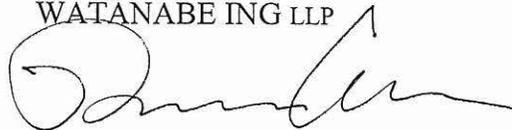
Given the foregoing (among other issues that may be apparent from Hoike's application and information request responses) Oceanic clearly has a substantial interest in the outcome of the designation of the applicant as a public access organization (which will not be protected by the interests of any other party), and Oceanic's intervention will not unduly delay the public hearing, nor is it intended to harass, hinder or prejudice the rights of the applicant in any manner. Indeed, permitting intervention will be conducive to effectuating the goals and purposes of Act 19 and ensure that all relevant information is presented to the DCCA and the public. The denial of this request to intervene, in contrast, will substantially prejudice the rights of Oceanic, as it clearly has a unique and substantial interest in the designation of the public access provider going forward for the reasons provided above.

Assuming the DCCA grants Oceanic's request herein, and depending upon the responses to any of DCCA's information requests to the applicant, Oceanic may submit written questions about the application and may make reasonable requests for supporting and clarifying documentation to the applicant. Oceanic will request that it receive the requested information from the applicant within a reasonable time prior to the public hearing so that Oceanic can prepare its testimony accordingly. Assuming the request for intervention is granted, please inform Oceanic of the timing for the public hearing, as well as the timing for submitting any such requests to the applicant.

Thank you for your attention to this matter, and please contact me should you have any questions regarding the foregoing. Oceanic looks forward to the DCCA's response on this request for intervention.

Very truly yours,

WATANABE ING LLP



BRIAN A. KANG

cc: Mr. Donn Yabusaki
Laureen Wong, Esq.
Oceanic Time Warner Cable