

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 132

FEES TO BE PAID BY CABLE OPERATORS

- §16-132-1 Application fee
- §16-132-2 Annual fee from existing cable operator
- §16-132-3 Fee for new cable operator
- §16-132-4 Penalty for late or non-payment of annual fee
- §16-132-5 Charge for rules

Historical Note: This chapter is based substantially upon Chapter III of Title VIII, the Cable Television Division, Department of Regulatory Agencies, entitled "Fees and Revenues." [Eff 1/22/71; R 5/26/75; R 7/22/77; R 5/21/79; R 6/22/81]

§16-132-1 Application fee. All applications for issuance or renewal of a cable franchise or proposal therefor shall be accompanied by a fee of \$1,000. [Eff 6/22/81; am and comp 12/14/87; am and comp 7/28/88; comp 9/30/05] (Auth: HRS §440G-12) (Imp: HRS §440G-6)

§16-132-2 Annual fee from existing cable operator. (a) Except as otherwise provided in subsection (c), the annual fee for each cable operator shall be one per cent of the income received from subscribers for cable services rendered during the preceding calendar year.

- (b) The annual fee shall be paid by the cable operator to the department on the last day of January of each year.
- (c) The director may increase or decrease the amount of the annual fee by decision and order if the director determines that the existing annual fee is insufficient or exceeds the amount necessary, as the case may be, to cover the costs of administering chapter 440G, HRS.

§16-132-2

(d) For the purposes of this section, "income received from subscribers for cable services" means revenues derived from the supplying of regular subscriber service and includes installation fees, disconnect and reconnect fees and fees for regular cable benefits. It does not include per-program or per-channel charges, leased channel revenues, advertising revenues and other income derived from the system. [Eff 6/22/81; am and comp 12/14/87; am and comp 7/28/88; am and comp 9/30/05] (Auth: HRS §440G-12) (Imp: HRS §440G-15)

§16-132-3 Fee for new cable operator. For its first year of operation, a cable operator shall be assessed a fee of \$5,000, which fee shall be due and payable upon granting of the franchise by the director. [Eff 6/22/81; am and comp 12/14/87; comp 7/28/88; comp 9/30/05] (Auth: HRS §440G-12) (Imp: HRS §440G-15)

§16-132-4 Penalty for late or non-payment of annual fee. The penalty shall be ten per cent of the unpaid fee, but not less than \$50. Fees and penalties not paid within fifteen days of the due date shall result in an interest payment of ten per cent per annum compounded every thirty days on the unpaid balance. Failure to pay the fee, penalty, and interest shall result in legal action to enforce payment or revocation of the franchise, or both. [Eff 6/22/81; am and comp 12/14/87; comp 7/28/88; comp 9/30/05] (Auth: HRS §440G-12) (Imp: HRS §440G-12)

§16-132-5 Charge for rules. The charge for copies of the Hawaii cable communications rules shall be \$2.50. [Eff 6/22/81; am and comp 12/14/87; am and comp 7/28/88; comp 9/30/05] (Auth: HRS §440G-12) (Imp: HRS §440G-12)

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendments to chapter 16-132, Hawaii Administrative Rules, on the Summary page dated August 25, 2005, were adopted on August 25, 2005, following a public hearing held on August 9, 2005, after public notices were given in the Honolulu Star-Bulletin, Maui News, Hawaii Tribune Herald, and the Garden Island on July 7, 2005.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Mark E. Recktenwald

MARK E. RECKTENWALD

Director of Commerce and Consumer Affairs

APPROVED AS TO FORM: Date 8/25/05

/s/ Rodney J. Tam

Deputy Attorney General

APPROVED: Date 9/19/05

/s/ Linda Lingle

LINDA LINGLE

Governor

State of Hawaii

September 20, 2005

Filed

Amendment and Compilation of Chapter 16-132
Hawaii Administrative Rules

August 25, 2005

Summary

1. §16-132-2 is amended.
2. Chapter 132 is compiled.

This material can be made available for individuals with special needs. Please call the Cable Television Division, DCCA, at 586-2620 to submit your request.

Effective 9/30/05