



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 98809  
Phone Number 586-2850  
Fax Number 586-2856  
www.hawaii.gov/dcca

MARK E RECKTENWALD  
DIRECTOR  
LAWRENCE M REIFURTH  
DEPUTY DIRECTOR

**VIA FACSIMILE**

September 19, 2006

Mr. Jay April  
Chair, Board of Directors  
Akaku: Maui County Community Television  
333 Dairy Road, Suite 104-A  
Kahului, Hawaii 96732

Dear Mr. April:

Re: Appointment of Akaku's Board of Directors

The Department understands that Akaku's Board voted on August 3, 2006 to remove current directors as board members and called for a new board to be selected by a master or selection committee appointed by the Honorable Joseph Cardoza. Accordingly, on August 11, 2006, attorneys for the parties in Akaku v. First Hawaiian Bank, agreed before Judge Cardoza to have the court appoint a master to appoint a new board with a stipulation to follow. It is the Department's understanding that Judge Cardoza appointed Judge S. McNish (ret.) as Master to oversee, initiate and manage the process to select entirely new members for the Board of Directors of Akaku.

Based upon the Department's current understanding of the agreement of the parties orally presented to Judge Cardoza, the Department supports the agreement and will defer to Judge Cardoza to appoint a Master and ultimately seat new Board members. The Department has already requested copies of the minutes for the August 3, 2006 Board meeting from Ms. Linda Puppolo, Akaku's Administrative Services Director, and by this letter, is requesting from you the stipulation of the parties for appointment of a master and the order appointing Judge McNish.

This is to inform Akaku's Board of Directors that after a new board, selected by a Master, is accepted by a Judge Cardoza and duly seated, the Director of the Department of Commerce and Consumer Affairs (Director) will no longer exercise his authority to appoint and/or remove board members. These actions are in response to the State Procurement Office's determination that the PEG access services contracts must be awarded in accordance with the State Procurement Code.

Mr. Jay April  
September 19,2006  
Page 2

The Department reserves the right to reinstate the current selection and removal process, should the selection and appointment of a new board of directors not be accepted by Judge Cardoza, should there be a subsequent change in the determination that the PEG access services contracts are exempt from the public procurement code process, or should it be in the public's interest as determined in the sole discretion of the Director.

In light of the change in the selection and appointment of Akaku's Board members, the Department requests that Akaku review and amend its bylaws to reflect the process under which it will select, appoint and remove future Board members. Please provide copies of Akaku's bylaw amendments to the Department no later than December 31,2006.

Unless the Department reinstates its authority as described above, this decision also means that Akaku is free to determine, after consultation and discussion with the cable operator, its own policy with regard to any directors appointed by the cable operator.

Thank you for your attention to this matter. If you have any questions on this matter, please contact Clyde Sonobe, CATV Administrator, at 586-2620.

Sincerely,



Mark E. Recktenwald  
Director of Commerce and Consumer Affairs

cc: Clyde S. Sonobe  
Linda Puppolo



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MARK E. RECKTENWALD  
DIRECTOR  
LAWRENCE M. REIFURTH  
DEPUTY DIRECTOR

VIA FACSIMILE

September 19, 2006

Mr. J Robertson  
Executive Director  
Hoike – Kauai Community Television, Inc.  
P.O. Box 1707  
Lihue, Hawaii 96766

Dear Mr. Robertson:

Re: Appointment of Hoike's Board of Directors

This is to inform you and Hoike's Board of Directors that effective immediately, the Director of the Department of Commerce and Consumer Affairs (Director) will no longer exercise his authority: 1) to appoint and/or remove DCCA appointed PEG Board members, and 2) to remove the elected board director. These actions are in response to the State Procurement Office's determination that the PEG access services contracts must be awarded in accordance with the State Procurement Code.

The process to seat an elected director as set forth in the DCCA PEG Access Plan remains unchanged pending the completion of the RFP process.

The Department reserves the right to reinstate the current selection and removal process, should there be a subsequent change in the determination that the PEG access services contracts are not exempt from the public procurement code process, or should it be in the public's interest as determined in the sole discretion of the Director.

In light of the change in the appointment and removal of directors, Hoike is requested to amend its bylaws to reflect the process under which it will select, appoint and remove future Board members. Please provide copies of Hoike's bylaw amendments to the Department no later than December 31, 2006.

Mr. J Robertson  
September 19, 2006  
Page 2

Unless the Department reinstates its authority as described above, this decision also means that Hoike is free to determine, after consultation and discussion with the cable operator, its own policy with regard to any directors appointed by the cable operator.

Thank you for your attention to this matter. If you have any questions on this matter, please contact Clyde Sonobe, CATV Administrator, at **586-2620**.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Recktenwald". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Mark E. Recktenwald  
Director of Commerce and Consumer Affairs

cc: Clyde S. Sonobe



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MARK E. RECKTENWALD  
DIRECTOR  
LAWRENCE M. REIFURTH  
DEPUTY DIRECTOR

VIA FACSIMILE

September 19, 2006

Mr. Juergen Denecke  
Executive Director  
Na Leo O Hawaii, Inc.  
91 Mohouli Street  
Hilo, Hawaii 96720

Dear Mr. Denecke:

Re: Appointment of Na Leo's Board of Directors

This is to inform you and Na Leo's Board of Directors that effective immediately, the Director of the Department of Commerce and Consumer Affairs (Director) will no longer exercise his authority: 1) to appoint and/or remove DCCA appointed PEG Board members, and 2) to remove the elected board director. These actions are in response to the State Procurement Office's determination that the PEG access services contracts must be awarded in accordance with the State Procurement Code.

It is our understanding that Na Leo is in the process of electing a board member at the present time, and it is anticipated that the election process should be completed by the end of October 2006. The process to seat an elected director as set forth in the DCCA PEG Access Plan remains unchanged pending the completion of the RFP process.

The Department reserves the right to reinstate the current selection and removal process, should there be a subsequent change in the determination that the PEG access services contracts are exempt from the public procurement code process, or should it be in the public's interest as determined in the sole discretion of the Director.

In light of the change in the appointment and removal of director, Na Leo is requested to review and amend its bylaws to reflect the process under which it will select, appoint and remove future Board members. Please provide copies of Na Leo's bylaw amendments to the Department no later than December 31, 2006.

Mr. Juergen Denecke  
September 19,2006  
Page 2

Unless the Department reinstates its authority as described above, this decision also means that Na Leo is free to determine, after consultation and discussion with the cable operator, its own policy with regard to any directors appointed by the cable operator.

Thank you for your attention to this matter. If you have any questions on this matter, please contact Clyde Sonobe, C A N Administrator, at 586-2620.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Recktenwald". The signature is written in a cursive, flowing style.

Mark E. Recktenwald  
Director of Commerce and Consumer Affairs

cc: Clyde S. Sonobe



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MARK E. RECKTENWALD  
DIRECTOR  
LAWRENCE M. REIFURTH  
DEPUTY DIRECTOR

VIA FACSIMILE

September 19, 2006

Ms. Kealii Lopez  
President and CEO  
Olelo – The Corporation for Community Television  
1122 Mapunapuna Street  
Honolulu, Hawaii 96819

Dear Ms. Lopez:

Re: Appointment of Olelo's Board of Directors

This is to inform you and Olelo's Board of Directors that effective immediately, the Director of the Department of Commerce and Consumer Affairs (Director) will no longer exercise his authority: **1)** to appoint and/or remove DCCA appointed PEG Board members, and **2)** to remove the elected board director. These actions are in response to the State Procurement Office's determination that the PEG access services contracts must be awarded in accordance with the State Procurement Code.

It is our understanding that Olelo is in the process of electing a board member at the present time, and it is anticipated that the election process should be completed by the end of September 2006. The process to seat an elected director as set forth in the DCCA PEG Access Plan remains unchanged pending the completion of the RFP process.

The Department reserves the right to reinstate the current selection and removal process, should there be a subsequent change in the determination that the PEG access services contracts are exempt from the public procurement code process, or should it be in the public's interest as determined in the sole discretion of the Director.

In light of the change in the appointment and removal of directors, Olelo is requested to review and amend its bylaws to reflect the process under which it will select, appoint and remove future Board members. Please provide copies of Olelo's bylaw amendments to the Department no later than December 31, 2006.

Ms . Kealii Lopez  
September 19,2006  
Page 2

Unless the Department reinstates its authority as described above, this decision also means that **Olelo** is free to determine, after consultation and discussion with the cable operator, its own policy with regard to any directors appointed by the cable operator.

Thank you for your attention to this matter. If you have any questions on this matter, please contact Clyde Sonobe, C A N Administrator, at 586-2620.

Sincerely,

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Mark E. Recktenwald  
Director of Commerce and Consumer Affairs

cc: Clyde S. Sonobe