



jeff garland <digitaleye@hi.net> on 02/27/2006 08:57:53 AM

To: cabletv@dcca.hawaii.gov  
cc:

Subject: Amended Public Comment

attached is an amended version of my public comment. Please substitute the attached file.

Mahalo,

jg

### Testimony in support of DCCA abiding by state procurement law in regards to state PEG entities' contracts

The state of Hawai'i has held control over their created Public Access entities in Hawai'i for too long. The state needs to allow the entities to establish themselves as truly independent non-profit corporations. The level of state control can only be balanced by allowing the people a voice in the decision making process. After 15 years the state created entities continue to keep the people out at every turn. As long as the only "members" are the state and cable company appointed board directors, the entities will continue minimal provisions for the P, effective mostly for window dressing. This practice stifles creativity and truth. Competitive bidding process is the only fair method to democratically effect needed change. Give the people reason to believe their government isn't above the law by simply abiding by it.

It is clear from the comments at the DCCA meetings on all islands (except Kauai) and the less than factual information distributed by the DCCA designated Public, Education and Governemnt (PEG) nonprofits (from Akaku, Sparky Rodrigues & Gerry Silva), that the state and their PEGs used public resources to brainwash sheople into accepting the status quo instead of to facilitate a truly grassroots movement towards innovation.

### Rebuttal to the Hawai'i PEGs' & DCCA Myths

Facts: (much of the documentation can be accessed through <http://hpam.hi.net/> & <http://hpam.hi.net/RFP4PEG/> & <http://kauai.net/>)

State law mandates PEGs be a "nonprofit organization", thus state agencies and for-profits are ineligible to bid without the law being changed.

PEG contracts in Hawai'i have not been in compliance with HRS 103d since 1993 when the law went into effect.

Community Television Producers Association (CTPA) asked DCCA about PEG RFPs in writing in 2001.

The Attorney General is complicit by their signing of non compliant contracts (they sign for "

Proof of Form")

DCCA already requested an exemption from state law regarding PEG contracts on 11/09/05.

The State Procurement Office (SPO) "approved" an exemption for DCCA on 11/16/05.

CTPA pointed out procedures were not adhered to resulting in SPO's disapproval of the exemption request.

SPO instead considered the time frame of the violation to a future date, thus allowing DCCA to continue their violation of state law.

DCCA posted notice of their exemption request in the least accessible area to the public they are capable of posting to.

DCCA appoints the majority board directors of all of the state's "independent nonprofit corporations" they "designate".

DCCA has threatened to restrict funds from a PEG when they have tried to change that bylaw that their original totally DCCA appointed board created.

DCCA allows these boards to have a bylaw that allows for the Cable Company to appoint members, which is wrought with conflicts of interest.

DCCA Director Recktenwald has admitted he has not yet read all DCCA & PEG commissioned studies.

DCCA Director Recktenwald is quoted as categorizing those documents as "just another study collecting dust on a shelf somewhere."

DCCA appointed the board directors that agree to provide 25% of their funds to education with minimal accountability (if any).

DCCA allows PEGs to get away with not acting in compliance with state and federal laws by actively creating plausible deniability, rather than taking responsibility.

DCCA is allowing their created entity to sue the state to avoid openness and accountability while at the same time saying: "DCCA believes openness and accountability are crucial".

DCCA allows PEGs to distribute their own propaganda while actively suppressing dissenting views.

DCCA has denied the public access to the most important document regarding this issue which is the AG's opinion that their contracts with the PEGs must comply with the State Procurement Law (HRS 103D)!

The legislature improved the Procurement law in 1993 to "ensure greater accountability and eliminate potential conflicts of interest in the system", more specifically to (from the committee report):

"(1) Provide for fair and equitable treatment of all persons dealing with the government procurement system;

(2) Foster broad-based competition among vendors while ensuring accountability, fiscal responsibility, and efficiency in the procurement process and

(3) Increase public confidence in the integrity of the system."

In essence, DCCA is assisting Hawai'i PEGs in turning the true mission of PEG on its head, and assisting them in keeping the public out of the process. The entire process is wrought with appearances of conflicts of interest, which gives the appearance that DCCA could care less if the public has confidence in the integrity of Hawai'i state government.

Most of the spoken comments to date are from the PEGs' doomsday scenario script rather than from individuals taking their own time to read the documented facts and coming to their own conclusion. Had they done so, perhaps they would have formulated a more realistic opinion, like perhaps, though they appreciate the PEGs, perhaps there is always room for improvement, and then maybe provide some of their own ideas how to accomplish it. Instead they all fearfully sang "Eve of Destruction" when "Hey Jude" would be much more appropriate. Obviously, as predicted, the shepherds were successful in getting folks to defocus from potential improvements, leaving one with the unreal impression that things are perfect (e.g., "If it ain't broke, don't fix it"). This is not empowering the individual speaker by any stretch of the imagination.

### Potential Benefits resulting from an RFP process

Here is a short list of possible improvements that could occur through a competitive bidding process:

1) A Public benchmark for services that are required by the Government, hopefully providing definitions as well (as recommended by the DCCA contracted Merina Report).

2) Contracts would have reporting requirements that are useful in determining successful fulfillment.

3) Transparency (sunshine law) would be required to ensure public scrutiny over their public funds, thus not allowing the waste of valuable time trying to hide potential mismanagement.

4) Facilitation of competition breeds innovation and excellence rather than apathy and acceptance of the status quo.

5) An immediate transition to as tapeless as possible.

6) access to more media, to include, but not be limited to:

- television,
- radio,
- basic computer training,
- 7 channel audio,
- website creation, design & maintenance,
- archived streaming media & creation training,
- institute for media democracy,
- media literacy training (understanding advertising, propaganda, reading between the lines, investigative reporting, etc., and how to effectively use all technologies in concert to disseminate message(s).)

mobile media lab with cameras, computers & satellite internet feed in a mobile studio like the C-SPAN Bus only better!

Media Delivery service (w logos all over @ vehicle) delivery of cameras, tripods, light kits, and laptops

Theater & arts facilitation (photography, computer & painted art gallery, outreach to actors, in studio LIVE plays etc.)

IBM PC & Mac platforms (possibly unix as well,

Free open source products utilized and trained on as a priority,

Access to all media communication related software including, but not limited to:  
Word Processor(s), Database, financial, graphics, 3D animation, audio, etc. all of which can be utilized as part of TV show creation &/or promotion.

More to be provided with bid

- 8) A corporation prioritizing being ON the "cutting edge" rather than lagging as much as 10 years behind.
- 9) A self sufficiency plan other than we'll close the doors if the franchise fees disappear
- 10) It could provide for a corporation with a commitment to continue regardless of present barriers into perpetuity, rather than defining its existence as a perpetual "struggle".
- 11) wireless access as a goal
- 12) many more channel requests to TW for dedicated bulletin board, schedule, events info., etc.
- 13) stereo cablecast
- 14) mobile media lab(s) housing tv (mini studio capable) & computer equip to go to community events and shopping malls to display what's available.
- 15) Training tapes & booklets accessible online & on channels
- 16) Complete take home edit capability
- 17) Media grants of types to include, but not be limited to: (saved for bid).....
- 18) More client incentives, & awards
- 19) daily Blogs, including, but not limited to: programs in planning, production and premiering today!
- 20) Client chat room to share ideas, knowledge and tech tips.
- 21) Online technical support (for those using take home edit equipment etc.)
- 22) Online program archiving (on demand viewing)
- 23) Pod casting
- 24) A statewide video server serving all PEG programs to ALL islands.
- 25) Welcoming MANAGEMENT & Financial audits by the state auditor to ensure the legislative intent of PEG Access is fulfilled.

- 26) Robust website allowing for; viewing and making reservations online, more info on programs, links to client websites, etc.
- 27) More set design materials and equipment
- 28) A membership (rather than NON membership) corporation that gives you a voice in the future of access.
- 29) A truly independent nonprofit corporation run by its contributing members.
- 30) Rules and policies that truly ensure "first-come, nondiscriminatory" access.
- 31) Etc. (have to save some for the bid process. We don't want to show all of our cards.)

How to structure the RFP:

DCCA should request all bids to be submitted in electronic format (they have that authority), and that the bids & process be open so stakeholders can't be excluded from the process. The RFP can mandate all current levels of PEG provision, along with support staff, be preserved or improved upon (not diminished) and mandate that a self sufficiency plan, for the very real possibility that state support through mandated funds may disappear, be included.

Something to take into consideration when reviewing spoken and written testimony as well as a potential fix for Hawaii's abhorrent educational institutions' record (for those interested):

Passive acceptance of the teacher's wisdom is easy to most boys and girls.  
It involves no effort of independent thought, and seems rational  
because the teacher knows more than his pupils;  
it is moreover the way to win the favour of the teacher unless he is a very exceptional man.  
Yet the habit of passive acceptance is a disastrous one in later life.  
It causes man to seek and to accept a leader,  
and to accept as a leader whoever is established in that position.  
Bertrand Russell  
Sincerely,

Jeff Garland  
V.P., Community Television Producers Association

P.S. I just found out today (2/24/06) at 2 pm that 'Olelo is in possession of the tape from Kauai, and Ho'ike didn't air the tape until 2:21 today (with no end slate), so I respectfully request you extend the time for comment until one week after the tape airs at least once on all islands. If you decide to do so, please distribute the information to those that DCCA is sure will disseminate the information widely, and place a copy of the notice on the CATV website rather in the least accessible place they can find.

P.S.S. On 2/25/06 I noted that Maui's Akaku was in possession of the Kauai meeting tape and it

was on their Xtv online video server as program # 532.

----- Original Message -----

Subject: 'Olelo needs your help! - Deadline Friday, February 24  
Date: Sun, 19 Feb 2006 17:28:36 -1000  
From: info <info@olelo.org>  
To: undisclosed-recipients: ;

Aloha,

Since our last email, some of you have asked for more information about the upcoming DCCA Public Comment Meeting regarding PEG Access services and a possible RFP process. We welcome all perspectives on these issues and we encourage you to attend the Public Comment Meeting this Wednesday, February 22 to testify in person or to submit your written testimony by this Friday, February 24 to [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov).

We are providing the following information to help explain and clarify some of the issues created by the proposed RFP suggestion.

#### An Exemption to the Procurement Process

'Olelo does not believe that PEG (i.e. community) access is a commodity that should be bought, sold or put up for bid. It involves community building, partnering with governmental and educational entities, statewide collaboration to leverage limited resources with other community access organizations, and nurturing local programming and a long-term commitment to the community. 'Olelo encourages the DCCA to request an Exemption from the procurement process for all of Hawai'i's access organizations.

#### Risk to Current Services

To 'win' an RFP, a new operator will essentially have to provide a plan that is substantially different from existing providers. All current 'Olelo services, such as Satellite Community Media

Centers,  
that are enjoyed and appreciated by the community and our clients  
will  
be at risk. In addition, training, production services and  
airtime/playback may be more limited and restricted or, at  
minimum,  
different than the services currently provided.

Lack of Qualified Pool of Operators  
Hawaii currently enjoys a relatively stable environment of  
community  
access providers. DCCA's regular performance evaluation of these  
operators has ensured a consistent progression of services  
delivered on  
all islands. An RFP process will invite participation from a pool  
of  
untested and unqualified providers. Respondents can include  
individuals  
with narrow-focused objectives, business entities with limited  
community  
focus, providers from the mainland without local roots, or  
newly-established providers with little community access  
experience.  
'Olelo is the only provider that has any consistent length of  
experience and track record of delivering the range of services  
and  
managing significant resources currently available to the  
communities of  
O'ahu.

Stability and Sustainability  
Serving the community requires the flexibility to address short-,  
mid-  
and long-term objectives. If community access is subject to  
frequent  
contract bidding, it will be likely that long-term objectives  
will be  
sacrificed in place of short-term victories to maintain the  
contract.  
This is inconsistent with the long-term sustainability focus in  
the  
DCCA's 2004 PEG Access Plan for Hawaii. This also impacts the  
ability  
of the community access provider to develop long-term  
relationships and  
commitments to communities.

Accountability  
'Olelo's request for an exemption to the RFP process must not be  
misconstrued as a lack of accountability. On the contrary, there

is already adequate oversight from government and community stakeholders on the performance of any community access system in Hawaii. The current system works and does not need to be unnecessarily tampered with. An RFP process does not add more accountability but, in fact, will disrupt continuous and reliable service.

'Olelo Community Television Has a Proven 16-Year Track Record Over the past 16 years, 'Olelo has enjoyed stable management that is better than the average non-profit organization and has expanded services and programming to reflect the increasing diversity of voices in our island community. No other community access provider in the country has the kind of experience 'Olelo has in managing a significant number of satellite Community Media Centers. Additionally, 'Olelo is one of very few community access providers that have had the stewardship responsibility for the sizable equipment inventory and financial resources available on O'ahu. Our committed, highly trained staff has a combined total of more than 250 years of community access experience and has worked hard to earn your trust.

The addition of our sixth channel is the latest evidence of 'Olelo's ability to assess community needs and deliver the capacity to meet those needs. In the last five years alone, 'Olelo has developed ground-breaking programs to promote media literacy and social issues among our youth (e.g., Youth Xchange video competition) and address voter apathy (e.g., Vote! 2002 & 2004) in our state while providing consistent service to our independent producers and volunteers.

'Olelo's success has been built on the understanding of community needs and how community access can make a difference. These relationships with a variety of community groups, youth groups, schools, non-profits and government institutions were established over the years and all this inherent social and community equity will be lost with a



new provider.

The DCCA has stated that even if the RFP process were to bring about a change in management, that community access would continue to be provided to all communities (public, educational and governmental). However there is NO guarantee what services would be offered, if current services would be maintained, and to what level of quality and commitment.

#### How You Can Help

'Olelo Community Television has always supported the voice of the people through community access. Now we need you to voice your support for 'Olelo. We urge you to speak out now. If you have benefited from the types and quality of services you have received and want them to continue, please testify in person at the Public Comment Meeting this Wednesday, February 22, or provide written testimony by this Friday, February 24, to: [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov). Your support is greatly appreciated.

If you would like to know the airdates and times for the Public Comment Meetings held on Maui, Molokai and shortly on O'ahu, and for additional information about the DCCA Public Comment Meeting, sample testimony for Akaku Molokai, and a map and parking information to the DCCA building, please visit our website:  
<http://www.olelo.org/news/dcca06/dcca06mtg.html>

Again, we sincerely appreciate your interest in community access,

Gerry Silva  
COO, 'Olelo Community Television

----- Original Message -----

From: "Sparky Rodrigues" <[srodrigues@olelo.org](mailto:srodrigues@olelo.org)>

Sent: Saturday, February 11, 2006 1:19 AM  
Subject: Urgent need to protect and defend PEG TV. I need your help.

Community Access Television State wide – Threatened & in grave danger!  
I need your help to protect and defend our one way to TV media.

On all islands Community Access TV is serving grass-root communities. Building communities by providing opportunities to be creative, to share diverse stories and opinions. Our voices not provided by network television or print media. A venue for locally created television programs by regular people like you and me. All this could change drastically. This process could unintentionally destroying Access as we know it today.

As a result of Cable franchise agreements over 15 years ago, not for profit Community Access organizations were formed to provide facilities and serve their local communities on each island. This was a national movement born of the FCC ruling that public rights of way franchised to profit organizations would provide benefit to the general public. PEG access was born. P=Public, E=Education and G= Government. However, across the U.S. Access organizations are under attack, separating PEG and stripping away the voice of “P”. In some areas of the country reducing community voices to a whisper in other areas, eliminating community voices entirely.

DCCA is seeking written testimony to determine... excerpts from DCCA document.

The purpose:

The Department of Commerce and Consumer Affairs (DCCA) Cable Television Division (CATV) is seeking to obtain the public’s general input and comments on issues relating to public access television services, whether the department should **seek an exemption from the requirement that those services be procured through a competitive bid process and, If not, what requirements the department should include in any request for proposal.**

1. Please comment on the services that are provided by the Public, Education, & Government (PEG) organizations in your respective county: AKAKU (MAUI), HO’IKE (KAUAI), NA LEO (HAWAII) and ‘OLELO (OAHU).
1. If a Request for Proposal (RFP), which is a competitive bid process, for PEG services was issued by the DCCA, what requirements do you think should be included?

**Check DCCA web sit for full document or please send a written testimony via email to: [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov) by February 24<sup>th</sup>. Title the subject on your email: "Testimony Regarding RFP for PEG Providers."**

---

Dissecting the Goose that Layed the Golden egg only produced a common Goose. The sum of the parts may not equal the same result.

We have used access TV to share our stories of Sovereignty, oral history, values, water stories, the anti-annexation petitions, evictions, homelessness, marches, the importance of 'Aina, the stories by & of our hero's. We may not always agree but Community Access Television on all island has given us a voice. It has take community access television 15 plus years to get this far. So much more work needs to be done and an exemption allows continued growth. If the RFP is decided by the DCCA as the path to take, will our communities and our voice fall victim to further government or corporate control by limiting our access.

Ps: My story begins in Makua, No Eviction Coalition, 60 families mostly Hawaiian living on the beach. The might of the State government targeting those least able to defend themselves. I kept hoping for the Knight in Shining armor to save us. What appeared was Independent producers from 'Olelo Community Television with their camera and microphone, they gave us a voice and a face to the struggle. I was deathly afraid of speaking in public, the camera and microphone but was so angry at the Governor and DLNR the anger pushed me past my fear. They let us tell our story and with no editing other than a title and graphics we were able to tell our story, it all aired on 'Olelo TV. The general public soon changed there opinion of our struggle. Opposition went quiet, those neutral turned vocal. After several years of struggle, we were still evicted, I was still arrested. We lost the battle. What I gained was a understanding and power of television. My weapon of choice is now a camera, microphone, editing and airing programs on Community Television. Sharing these tools with underserved communities is my passion. I believe this is the tool to use to win the war.

Ten years ago I started my Access TV experience, it took two years to get into 'Olelo's training program back then. Although the services were, first come first serve, it didn't serve communities like ours or people like me. Once certified I had to drive from Waianae to town to get equipment, go back to Waianae to video tape a community meeting, returning the equipment the next day. The editing process also required me to travel to town and spend countless hours learning and editing my community programs to air on 'Olelo. At times we had to choose between food, gas or video tape. Fundraising for gas or tape became the norm but all our time was voluntary. Investing in our community, our nation. 'Olelo as an organization has evolved and continues to adapt to the changing need of our community. We strive to help other organizations, departments, agencies and communities in any way we can to build a stronger community

I now work for 'Olelo community Television as a Community Developer. Six years ago helped

develop the Waianae 'Olelo Community Media Center and partnerships. Working to introduce media into communities around the island and beyond. Today, partnering with Waipahu Elementary with 20 languages representing a large number of Pacific Islanders. Waipahu HS & Middle schools developing media program and partnerships with community organizations. Mayor Wright Homes, Papakolea Community Association, Queen Liliuokalani Children Center, Alu Like partnering with 'Olelo Community Television all thru media. Partnering to continue a youth Summer Media Program now in its 4<sup>th</sup> year. Communities have diverse needs and are at varied levels of readiness before they will embrace media as a tool to build community.

I share this bit of my history, because the flexibility of 'Olelo has allowed, a RFP may not. Services to our underserved and underrepresented communities are at risk. We need you help. We need your voice. Please Kokua. Write your thoughts and send them to the DCCA. Join us at the locations to give oral testimony. Call me if you have questions. Cel 352-0059, Hm 696-2823. Mahalo, Sparky

### **Akaku's position on the RFP process**

## **Akaku Needs Your Help**

Hawaii's State Department of Commerce and Consumer Affairs, (DCCA), is conducting Public Comment Meetings to solicit public input and comments on issues that will affect the future of public access television in Hawaii. In Hawaii, each county has it's own access center.

The DCCA wants to hear your comments on the services currently provided by Akaku and whether the contract for providing those services should be opened up to a competitive bid process, or request for proposal (RFP). Such a process could potentially result in the removal of Akaku as Maui County's public access television provider.

You may participate in several ways:

The most effective thing you can do as a supporter of Akaku is show up at the hearing and tell DCCA exactly what you think.

On Maui: Provide written and oral testimony at the public meeting at 4:00pm on Wednesday, February 15th at Maui Community College at Ka`a`ike Bldg., Room 105 and

faxing the testimony to (808) 586-2625.

On Molokai: Provide written and oral testimony at a public meeting from 4:00pm-6:00pm on Wednesday, February 16th at Home Pumehana and faxing the testimony to (808) 586-2625.

Provide written testimony and sending it by email to [info@akaku.org](mailto:info@akaku.org) and [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov) or fax to (808) 586-2625.

Complete a simple online survey form by 12 noon on February 15 and get more information at <http://www.akaku.org/survey>.

Help us by forwarding this message to your friends and neighbors.

## **TALKING POINTS:**

### **"If It Ain't Broke - Don't Fix It!"**

Exempt Akaku from the RFP process:

Encourage the Department of Commerce and Consumer Affairs (DCCA) to seek an exemption from the requirement that the services provided by Akaku (and other Public, Education and Government (PEG) access centers across the state) be procured through a competitive bid process (RFP).

An RFP process for the many types of specialized services that Akaku provides is not practicable and not advantageous to the State of Hawaii BECAUSE:

- Akaku is an organization that people trust, is highly recognized in the community for providing services above and beyond what is expected. It is widely recognized as one of the best PEG access organizations in the United States.
- Akaku is unsurpassed in Maui County in delivering first-come, first served, non-discriminatory PEG access to community communications media in fulfillment of its mission statement: "Empowering the Community's Voice through access to media"
- No other replacement entity can demonstrate the know how, experience and skill that can stand up to where Akaku is today.
- For over a decade, Akaku has provided award-winning access services, accounted for monies received and completed all reporting requirements
- DCCA mandated self-sufficiency objectives cannot be met if the service organization changes every few years.
- Akaku and Molokai Media Center's solid track record and proven benefit to the community have resulted in securing grants awarded for excellent services and growing partnerships.
- Akaku has developed long-term and strong partnerships with government, non-profit, education, and other community organizations that enhance the quality and efficiency of the services provided. These services could be damaged, stalled or delayed should the organization be replaced.

- Akaku has been built with cable access monies and improved over many years; rebuilding these services would be inefficient and wasteful.
- Cable franchise fees are not part of the State general fund, and therefore should not be required to go through a competitive bid process (RFP)
- The DCCA's task of designing the requirements and scope of services for the RFP is daunting.
- PEG Access services are uniquely local in character for each island community. In order to fully meet community communications needs these services must be provided with the guidance of local oversight boards of directors. For this reason, a state run RFP process would be deficient in meeting community communications needs
- An RFP process for the services that Akaku provides is not practical and not advantageous to the State of Hawaii or to its citizens. RFP processes can be very cumbersome and expensive.
- An RFP awarded contract would restrict flexibility in developing new programs to meet new community needs. Changes to contract terms and services may be time consuming, costly and restrictive.

## **SPECIAL NOTICE**

In the event that the DCCA should choose to design an RFP process, national experts in the area of PEG services should be consulted to draft and recommend RFP's based on "best practice" working models. PEG Access Boards and the public on each island must have full participation and approval of RFP, and public hearings must be held before any plan is implemented by DCCA.

### **Do our hours of operation satisfy your needs?**

Strongly Satisfied	Somewhat
Somewhat Satisfied	Dissatisfied
OK	Strongly
	Dissatisfied
	No Opinion

### **(How do you rate) The availibility and quality of our equipment?**

Strongly Satisfied	Somewhat
Somewhat Satisfied	Dissatisfied
OK	Strongly
	Dissatisfied
	No Opinion

### **(How do you rate) The quality of training provided?**

Strongly Satisfied	Somewhat
Somewhat Satisfied	Dissatisfied
OK	Strongly
	Dissatisfied
	No Opinion

**How knowledgeable is our staff?**

Extremely Knowledgeable  
Somewhat Knowledgeable  
OK

Somewhat  
Unknowledgeable  
Extremely  
Unknowledgeable  
No Opinion

**(What is your rating of the )Overall quality of services provided to our clients?**

Very High Quality  
High Quality  
OK

Low Quality  
Very Low  
Quality  
No Opinion

**How would you rate the value of Akaku to our community?**

Very Valuable  
Somewhat Valuable  
OK

Minimal Value  
No Value  
No Opinion

**Should Akaku be exempted from the competitive bid process?**

Yes  
No  
No Opinion

**Comments:**



lou zitnik <zltnikl001@hawaii.rr.com> on 02/23/2006 06:11:15 AM

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 23 A 7 53

To: cabletv@dcca.hawaii.gov  
cc:

A\_\_E\_\_P\_\_S\_\_

Subject: 5pam:<http://starbulletin.com/2006/02/23/>

FILE\_\_\_\_\_

Keep cable television as it is.  
Lou Zitnik





Darryl Nordstrom <daigoro@hawaii.rr.com> on 02/22/2006 04:40:04 PM

To: cabletv@dcca.hawaii.gov  
cc:

Subject: 5pam:Public Cable Access

Aloha,

Please keep public access Cable TV in the hands of the citizens. The airwaves are owned by the public and should not be controlled privately by big business who's sole goal is to make a profit. Public access TV allows for diverse and original programs/ideas as well as differing opinions that would not be allowed if private interest controlled public access. I learn more about the world and Hawaii by tuning in to public access that I do from watching corporate filtered news/programs.

Please keep public access tv PUBLIC!!!!!! There is enough corporate media consolidation in the USA already!

Mahalo!

Darryl Nordstrom



<IRVINER002@hawaii.rr.com> on 02/22/2006 02:42:31 PM

To: <cabletv@dcca.hawaii.gov>  
cc:

Subject: 5pam:Public Access Television Services Testimony

[IMAGE]

TESTIMONY: submitted via Email to cabletv@dcca.hawaii.gov

Due by 2/24/06

FROM: Susan Irvine, president, League of Women Voters of Hawaii

49 South Hotel Street, Room 314, Honolulu, HI 96813

TO: Clyde Sonobe, Administrator, Cable Television Division

Department of Commerce and Consumer Affairs  
335 Merchant Street, Room 101  
Honolulu, Hawaii 96813

*Relating to public access television services, whether the department should seek an exemption from the requirement that those services be procured through a competitive bid process and, if not, what requirements the department should include in any request for proposal.*

The League of Women Voters in Hawaii has for many years appreciated the existence of our public access stations. We are pleased to have been able to work together to bring candidates forums and other educational events to the public.

Over the past few years, it has been of concern to League's state board that some public access stations have been

reluctant to comply with HRS 92, our State “sunshine” law with which all state agencies must comply. At this time, the courts have ruled that the PEG stations need not comply with HRS 92 because, among other things, they are not providing a government function.

This decision would seem to preclude allowing the PEG stations to be exempt from state procurement laws. As well established as these stations are, it should not be a great burden for them to comply. The League finds no exceptional circumstances that warrant an exemption from state procurement law.

League urges that in the competitive bidding process, the DCCA should include the requirement for any successful bidder to have full compliance with HRS 92 Open Meetings Law and HRS 92F Uniform Information Practices Act.

Sincerely,

Susan Irvine, President  
League of Women Voters of Hawaii  
[irviner002@hawaii.rr.com](mailto:irviner002@hawaii.rr.com)  
808 935 8080 or 808 895 3421



LEAGUE OF  
WOMEN VOTERS  
OF HAWAII



"Eiko Kosasa" <ekosasa@hawaii.edu> on 02/24/2006 09:42:15 AM

To: <cabletv@dcca.hawaii.gov>  
cc:

Subject: 5spam:Testimony for Hearing on PEG Organizations

DCCA Cable Television Division:

I support an exemption from the procurement process for `Olelo and for the other island PEG organizations (Akaku, Ho`ike, and Na Leo).

As we all know, television is a powerful medium in our society to educate the public on cultural, social, economic, and political issues. However, television stations as a whole are privately owned enterprises and thus access to the airwaves are reserved for the ideas of the elite (politicians, businessmen, etc). `Olelo and other PEG organizations, in contrast, provide a platform for every day people to share their perspectives with the larger community. Not only do we, regular citizens, hear different points of view on `Olelo, but the decision makers (politicians, etc.) also have the opportunity to tune in to hear the voices of their communities. In other words, the more informed we are as a society, the better choices we will make together toward our collective future. Thus `Olelo plays a necessary role in maintaining a vibrant democracy.

Sending `Olelo's funding out to bid will undermine its community role and effectiveness. Profits will become the determining and guiding factor in running `Olelo's daily operation and not servicing the public's need as it stands now. The bottom line logic in any competitive bidding process is to produce a product that undercuts the competitor's proposal. Thus the marketplace guidelines will dominate and change the function of `Olelo or any PEG organization. No longer will serving the public (broadcasting, training people on equipment, etc.) be of primary consideration but keeping a corporation's bid competitive will. Services and hours will no doubt be trimmed if not immediately, they will diminish over the years. It can't be otherwise if companies want to stay viable in this bidding process. Thus an important community venue will be controlled by corporate interest. Not only will `Olelo's function to build community relationships wane, but our democracy will erode too.

I was introduced to community access television in 1993 when I first volunteered on the First Friday: the Unauthorized News show at `Olelo. Over the years, the staff at `Olelo have been friendly, professional, and knowledgeable. Whenever we needed help in putting on our show whether with equipment or programming, staff members went out of their way to help us. I have nothing but the highest praise for `Olelo and its staff.

Please do not put `Olelo's funding out to bid. Maintaining our democratic society is at stake.

Sincerely,

Eiko Kosasa, Ph.D.

Lecturer at Leeward Community College