



"Aaro [REDACTED] o n 07/22/2003 01:09:12 PM

2003-06

Please respond to "Aaron" [REDACTED]

To: ccabletv@dcca.hawaii.gov

cc:

Subject: Re:DCCADiscussion comments

Greetings,

1.Expanded role of Counties in Cable Regulation

I support the full shift of the regulation of cable companies to counties. This would streamline the bureaucracy currently in place and would enable more closer look at issues effecting each county in the State of Hawaii.

2.Governance -PEG Board appointment process.

Election of PEG members by PEG constituents is the most fair way to proceed in this matter. It would remove the politics involved in the process currently.

3.Cable Advisory Committee

I think Option three is the most fair way to proceed. To amend composition of CAC and re-initiate this committee immediately.

4. Financial Resources

I believe the financial resources should be distributed evenly among the counties. The current setup is definately not fair.

6.Sustainability

I believe PEG should actively seek out other funding options and not be dependant on franchise fee income collected from cable tv subscribers.

Thank you for your time,

Aaron Stene



Sheldon gitis [REDACTED] on 08/12/2003 12:43:31 PM

2003-49

To: cabletv@dcca.hawaii.gov

cc: [REDACTED]

Subject: Na Leo's inaccessibility

to: doc

cc: county council, mayor, cable co., ehch

After several phone calls and 2 visits to Na Leo 'O Hawai'i, Inc., I am convinced that rather than serving a mission to provide access to channels and production facilities for locally-produced non-commercial programming, the staff at Na Leo is putting its efforts toward excluding anyone with any significant know-how from having any involvement with community television for the Island of Hawaii. After 25 years of professional experience as a television technician, including work with several cable access centers in the Minneapolis/St. Paul area, I can say with some authority that the exclusionary practices of the Na Leo staff have resulted in what appears to be a very poorly managed and equipped facility.

This summer I rented an apartment at 66 Puueo Street in Hilo. Soon afterward, I phoned Na Leo and spoke with a woman named Mary, the Na Leo "outreach coordinator," who invited me to visit and tour the facility.

My only means of transportation from 66 Puueo Street, which is a couple blocks from the downtown Post Office, to Na Leo, which is on the outskirts of the other side of town, is my bicycle. Unfortunately, Na Leo's squeaky clean new facility provides no safe parking area for a bicycle.

During my first visit to Na Leo, the bicycle parking was not a problem. I simply rolled the bike into the building. During a second visit, I was told that I would not be allowed to bring my bicycle inside because it might soil the new carpeting. (Oddly, dirty shoes trampling all over the new carpeting are apparently acceptable but a stationary bicycle is not). I explained that I did not wish to leave my bicycle unattended and did see anywhere to lock the bike up. The part-time staff person, who scolded me for attempting to bring the bicycle inside the building, instructed me to leave the bike in the entryway. Fortunately, neither the inebriated

gentleman taking advantage of the air conditioned entryway nor some not very bright 12 year old decided to take the bike for ride.

During my first visit to Na Leo, neither Mary, the Na Leo "outreach coordinator," nor Executive Director Jurgen Denecke was at the facility. The only staff person in the entire facility, which includes 2 studios, about a half dozen edit suites, portable check-out equipment and playback facilities for 4 TV channels, was an "administrative assistant." The office worker suggested that I return sometime after the 4th of July holiday when Mary would be back from a vacation.

I returned to Na Leo shortly after the 4th of July, on a Thursday afternoon. Executive Director Jurgen Denecke was not there. Mary, the "outreach coordinator," was working, and after finishing a discussion with another part-time staffperson, she gave me a tour of the facility. Other than the part-time staffperson, who briefly used one of the 6 or so edit suites, there was little activity. All the other edit suites and both "studios" (which share a single control room, making it very impractical for the 2 indential "studios" to be used at the same time) were inactive.

Before and after my tour of the facility, I suggested to Mary, the "outreach coordinator," that I would be willing to volunteer my time to put together a promotional video for The Big Island Speaks Out. The Big Island Speaks Out appears to be a very low budget, single-camera production and one of the very few programs Na Leo facilitates. I would guess that the payment on the largely vacant, squeaky clean Na Leo access center in Hilo could fund 20 or 30 or more The Big Island speaks Out type productions a month rather than the 1 program Na Leo currently produces.

In response to my offer to volunteer my time to put together The Big Island Speaks Out promo, Mary informed me that until I had completed a costly and time-consuming certification process, I would not be allowed to use any Na Leo equipment. Na Leo's lengthy certification process includes "training" to use low-grade, single-chip VHS camcorders which would be useless for my propoeed volunteer editing project.

I recently spent a year working at the cable access center in Stillwater, MN. The cable franchise area included Stillwater, Oak Park Heights, and Bayport. The combined population of the 3 small towns was less than half that of the South Hilo District of Hawaii. At the access center in Stillwater, we programmed 4

cable TV channels 2one for the schools, another for government meetings and the other 2 channels for religious and general public programming. Much like Na Leo.

Unlike Na Leo, which has no overnight programming, in Stillwater we programmed the 4 channels around the clock. A character generator containing community bulletins and program schedules occupied channel time only for very brief periods of often less than a minute between programs and for the one hour each day when I needed to load tapes for the next day's programming.

In Stillwater, we produced live cablecasts of the Stillwater, Bayport and Oak Parks Heights city council meetings, the Board of Education meetings for the K-12 school district. and the weekly meetings for the Washington County Board of Commissioners. The meetings were taped and replayed until the next meeting was cablecast live. All 5 meeting venues - the 3 City Council chambers and the Board rooms for the County and the School District - were equipped with multi-camera systems including separate microphones for each public official and presenter.

In Hilo, I'm told the County contracts with an individual who sets up a low-grade VHS camcorder and tapes all pictures and sound at the County Council meetings from a single location in the Council chambers. In Hilo, a town approximately 3 times the size of Stillwater, the council meetings are not cablecast live and according to what I've heard the quality of the recordings is so poor that when played back on the cable channel, the people speaking at the meetings are often inaudible and not in clear eight. In Hilo, as far as I know, neither the local schools nor any other local government body has any regularly scheduled programming on the Na Leo channels.

The major disparities between the cable access operation in Stillwater, MN, population 16,300 (2000 Census) and Na Leo in South Hilo, population 47,386 (County Data Book), are not limited to coverage of public meetings and playback operations. In Stillwater, anyone could schedule training for editing or production equipment at any time. Regularly scheduled classes for studio and remote production and editing were booked each month. If an access user was unavailable at the scheduled class time, an appointment was easily made with myself or some other staff member to provide individual training. Also in Stillwater, unlike Na Leo, there was no charge for the training.

After my second visit to Na Leo, when I was fortunate not to lose my bicycle and less lucky in my attempt to donate my time, I tried once again to reach Executive Director Jurgen Denecke. I thought that the Executive Director of the organization that **is** supposed to be operating governmental and educational access channels might know some folks working with the County and State and the K-12 and higher educational institutions whom I could contact about the possibility of doing some freelance video production and editing. As was the case with my previous efforts to reach Mr. Denecke, Jurgen was not at the access center when I called. I spoke with Mary again and asked when Mr. Denecke would be available. Mary told me she did not know when Executive Director Denecke would be in. I asked if Mr. Denecke kept any schedule of hours when he occupied his Dept. of Commerce/cable subscriber-funded office in Hilo. Mary responded that Mr. Denecke kept no scheduled office hours. I then asked if Mr. Denecke had e-mail. Mary told me that he did, and that as I requested, she would ask Jurgen to send me a message providing **2 or 3** times when he would be available to meet with me.

I have yet to receive any response from Mr. Denecke. I would guess, judging from my **4** unsuccessful attempts to reach Mr. Denecke, that the PEG fees charged to cable subscribers and distributed by the Department of Commerce, rather than funding public, educational and governmental programming, are being spent on vacant and inadequate facilities and an Executive Director, whereabouts unknown. If perhaps Mr. Denecke prefers to work in Kona then why does Na Leo spend dollars maintaining an office for him in Hilo? And, if as the lack of programming on the Na Leo channels clearly indicates, Na Leo **is so** poorly managed, why does the Department of Commerce continue sending the Na Leo Board and its Executive Director what I presume **is** at least several \$100,000/year of cable franchise fees?

Given the clearly substandard level **of** service, I would recommend that the State **of** Hawaii, on behalf of the cable subscribers of Hawaii County, not renew its contract with Na Leo 'O Hawai'i, Inc., and instead, award funding to an organization which **is** capable of providing competent and responsible service.

Please provide a written response regarding the funding and operations of the cable television access channels for the Island of Hawaii.

Mahalo.

Sheldon Gitis


Hilo

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<http://sitebuilder.yahoo.com>

2003-56



Noyita Saravila [REDACTED] on 08/20/2003 04:40:29 PM

To: cabletv@dcca.hawaii.gov
cc:

Subject: DCCA draft plan for PEG access - part one

Dear People,

Thank you for this opportunity to be heard.

I have been a public access producer since Nov. 21, 1999 on the Big Island of Hawaii.

I think it is the greatest thing since sliced bread! I have produces all kinds of psa, documentaries, educational and informational, issue oriented, nature and **art** programs.

I loved using the analogue equipment and was delighted when digital editing came in. **This** week end I **will** use the new digital camera to capture Hula at Hawaii Volcanoes National Park - and will be available for others who **can't** make the event to see.

I love the diversity of programs on Na Leo O'Hawaii: divense opinions, issues, concerns, **art**, community and cultural events, drama all representing different facets of our wonderful island home.

My responses to some of the issues:

Issue # 1:

For overall continuity, quality, accessibility, fairness, variety, availability & advocacy , I believe the state thru DCCA should continue to maintain a strong role as the franchising authority. I believe a major change from state to counties would be very disruptive. If anything, transition should be gradual - as many of the suggestions for more county involvement indicate.

Selection of Board members is a very important issue and should be open to community input and involvement.

I think a planning entity with members from each county to continue collaboration between PEGS is an excellent idea.

Issue#2:

A combination of options **#2-5**. Yes for uniformity across the state in appointing members of the board, their length of term and number of terms allowed. I agree diversity of representation is important.

Option #2: I agree the board should publish vacancies, accept applications and input from the community, consider them and include **DCCA** in an ex-officio role.

Option #4: I think election by PEG constituents would be extremely unweildly and I believe gamer little response.

Option #5: I believe establishing a mechanism for Public and Producer input into board policies is valuable, expecially if it doesn't weigh down the board and interfere with its workings. Perhaps a community producer on the board would work - if one can be found who has the time and committment! Perhaps publishing the proposed agenda beforehand on the producers bulletin board and requesting written comment on issues would work. And, afterwards publishing a meeting summary and posting where producers will see.

Issue #3 : Perhaps ~~if~~ the **CAC** hasn't met in **13** years there is no need.....

Issue #4: I would heartily agree with Option #2: "**to** rredistribute any fees assessed in excess of a certain amount on Oahu" for "some areas of the neighbor islands" that "are not able to receive even a minimal "baseline" of access services." I believe an example is North and South Kohala on the Big Island.

Issue #5: PEG channel Resource. I see the issue.

Issue #6: Sustainability - a scary question!

Option #1: YES! I believe **PEG** access organizations should be "encouraged," not "required" to seek grants, private-public joint ventures & traditional fundraising activities as long as these activities do not interfere with the goals of PEG and client availability.

Option #2. I believe "for profit" activities could confuse goals and objectives of public access and interfere with community use and availability of facilities & staff. Perhaps it is too early to consider such an extreme.

I will continue on a second email since this is long. Noyita Saravia

Do you Yahoo!?

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Noyita Saravia [REDACTED] on 08/20/2003 04:53:36 PM

To: cabletv@dcca.hawaii.gov
cc:

Subject: proposed PEG plan - part two

To continue:

Issue #7:

I am only familiar with the Big Island Geography. I live in Kawaihae in South Kohala. No Leo 'O Hawaii **Hilo** (which I prefer) is a **138** mile round trip. The travel time and gas expense is a burden for me. I wish camera and editing equipment were more easily accessible. The Kona facility is a 66 mile round trip for me.

Remote Access Centers, Mobile facilities, and alternate sites all sound wonderful -and, of course expensive! Perhaps with shared revenue it would be possible - particularly a remote access center with cameras, editing and knowledgeable staff available- perhaps only certain days of the week.

I always share what a wonderful community gift Na Leo 'O Hawaii is and encourage people to take the trainings. People tell me it is too far to go to Kona or Hilo.

Issue 8:

Great idea on recycling equipment resources, cooperative purchasing for better prices and shared equipment.

Sharing Personnel Resources is **an** excellent idea. Roundtable and classes could be via cable link-up or download to save hotel, airfare , car rental and food expenses for travelling to other islands.

Sharing appropriate programming is good.

ISSUE#9:

YES! I wholeheartedly support the use of procedural rules.

ISSUE#10:

I would like to know specifically what the requirements are and how they would be a burden.

ISSUE #11:

I agree consistent Daily ops clearly spelled out would be helpful.

For those with demanding work schedules I would strongly encourage the availability of editing suites Sat. & Sunday.

More later. Noyita Saravia

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2003-01



Patti K Kodama
08/26/2003 08:03 AM

To: cabletv@dcca.hawaii.gov
cc:
Subject: Re: proposed PEG plan - part two

— Forwarded by Patti K Kodama/DCCA on 08/26/2003 08:04 AM —

Clyde Sonobe
08/21/2003 10:13 AM

To: Patti K Kodama/DCCA@DCCA
cc: Glen WY Chock/DCCA@DCCA, Mark E Recktenwald/DCCA@DCCA
Subject: Re: proposed PEG plan - part two

Patti, please add to the Big Island comment file.

Thank you.
Clyde
Patti K Kodama



Patti K Kodama
08/20/2003 05:22 PM

To: CATV
cc:
Subject: proposed PEG plan - part two

— Forwarded by Patti K Kodama/DCCA on 08/20/2003 05:22 PM —



Noyita Saravia [REDACTED] on 08/20/2003 04:53:36 PM

To: cabletv@dcca.hawaii.gov
cc:

Subject: proposed PEG plan - part two

To continue:

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For those with demanding work schedules I would strongly encourage the availability of editing suites Sat. & Sunday.

More later. Noyita Saravia

Do you Yahoo!?

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"Robert Donigan" [REDACTED] on 08/22/2003 04:55:30 PM

2003-65

To: <cabletv@dccahawaii.gov>

cc:

Subject: Advisory council?

From 1971-1995 I was the administrator of the Department of Education's **Instructional** Television Section, and had much contact with you **folks** in connection with cable **TV** educational access.

From that I learned that public access **was** supposed to have an advisory council. Several **years** ago, perhaps **5-7 years** ago, shortly after Richard Turner was replaced **as** executive **director of** 'Olelo, I **was** appointed **to** that board through **the** auspices **of** the then-extant Hawaii Council of Churches. We were notified that, after the new executive director got on top of **things** at 'Olelo, the council would be convened. No further contact was ever made.

Three years **ago** I moved to the Big Island, **so** my participation in an 'Olelo board is moot. However, now that I see you **are** reconsidering **rules** and procedures governing access, it **occurs** to me that either the advisory council should be convened and used, or the apparently hypocritical requirement for one should be eliminated. To my **knowledge**, such a council **has** never been implemented or employed **as** intended since the origination **of** access, in which I **took** part in the old days when the access **studios** were down on Kapiolani Blvd.

Sincerely,

Robert W. Donigan

[REDACTED]

2003 1/9



"LoisCecil" [REDACTED] on 08/26/2003 10:19:19 AM

To: <cabletv@dcca.hawaii.gov>

cc:

Subject: PEG

This is to let you know that My vote goes to the importance that all PEG access boards follow
Sunshine Law
(HRS-92) and Open Records law (UIPA HRS-92F).

Aloha,

Lois Cecil, [REDACTED]
[REDACTED]

August 14, 2003

DCCA
235 South Beretania St 9th Floor
Honolulu HI 96813

Re: Public Statement of
Charles Jeffrey

0003-123
RECEIVED

2003 ~~Aug~~ 2 P 2 00

DIRECTOR'S OFFICE
CIVIL RIGHTS AND
COMMUNITY AFFAIRS

The operation of the Public Access Stations can be improved by providing for administrative accountability.

The DCCA does not have the ability, under the current organizational structure, to adequately hold management accountable for their responsibility to the corporation or to the public.

The operation of the PEG station on the Big Island, for example, is totally unresponsive to complaints or even suggestions. The history of the station's treatment of the public and staff is "deplorable." The public access operation is "tolerated." The station's operation is only continued to enable the educational and government broadcasting.

Enclosed is a copy of a complaint that was personally filed with the DCCA. I was informed that the operation of the station is totally up to the discretion of the board of directors and the station manager. There no accountability factor except the completion of the annual report. Penalty for late filing of the report is less than \$100. The volunteer board of directors is inadequate in any practical sense. They know nothing of the operation or broadcasting. The board does not set its own agenda. The record of the operation of the Big Island station appears to exemplify a problem of accountability. The volunteer board has not functioned adequately for any realistic supervision of the manager.

Some examples of the Big Island station's management style.

Example One

One employee does no work for over six months.
It becomes common knowledge that the employee is abusing drugs on the job.
Solution: She quits. Why? Finally management insists that she agree to drug rehabilitation. She is not fired when she refuses rehabilitation. She becomes angry that rehabilitation is suggested and quits.

Aug 14 2003

COMMUNITY AFFAIRS

CABLE DIVISION

Example Two

Another employee asks for a day off. Management refuses. Reason: The facility is being moved. All employees are needed to move the facility. The day the move is to begin, the employee is fired. Why? The employee forgets to load tapes for two hours of morning broadcast.

Clarification: This employee's job description priority includes. 1) Responsibility for the maintenance of all operational equipment. 2) Maintaining records of all equipment use by the public. 3) Training the public in video production.

Additional Clarification.

The problem with tape loading had been discussed at length. Management was aware that giving the person responsible for operations the task of loading tapes is inefficient time management. The job of loading tapes needed more time allocation. Management felt comfortable taking the task from the part-time person hired to do it and giving the task to the operations person.

Primary Change Suggestion

The administrative tasks of station operation must be separated from the operations and engineering responsibility. Suggested Job Description: Decisions by the board or manager that involve the operation or design of systems and equipment are required to be made with the counsel of designated personnel. The designated personnel are responsible for the maintenance and repair of media systems and equipment. Problems with the acceptance of the counsel of the operations/engineer personnel must be resolved by private consultant.

Current Operation Problems

1) Decisions on the operation of the Big Island facility have been made that lack intuitive engineering sense.

2) These technically questionable decisions have led to decreased efficiency of operation.

From an engineering, technical and broadcasting point of view, the failure of the management of the Big Island facility to secure a broadcast link to the primary broadcast medium is a good example of

operations inefficiency. The continued acceptance of the situation is indicative of the total lack of accountability of access station management.

EXAMPLE: Questionable suggestions to resolve technical problems. Solving a minor problem of calculating the total running time of programs mastered using the digital system becomes a huge problem. The suggested solution, that is posted in the editing facility, is a good example of how the lack of engineering knowledge can lead to absurd and inefficient solutions to technical problems.

EXAMPLE: The best analog editing system is not being used. Why? The system has not been properly installed.

EXAMPLE: The cable companies remain the primary broadcast medium. The Big Island facility has been physically disconnected from the cable medium for over two years. The new facility was built without resolving this problem.

The separation of broadcast equipment and production facility has resulted in the need to physically transport program cassettes. This transport is between the production facility and the broadcast facility, now located at the cable company. No planning has been revealed to provide for Internet broadcast or any other option to solve this problem.

The text of the original complaint to the DCCA explains how the lack of accountability of access management has severely damaged the credibility of this operation. The responsibility for the damage to the public image of public access must be shared by the DCCA. The current process can result in a remedy for this organizational problem. Public media can provide a tremendous public service. The current organizational structure undermines this potential. The task will not be easy. Your commitment to the ideal of the right of public access to the media is required. Any less of a goal will result in continuation of the current flawed effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'C Jeffrey', is written over a large, stylized capital letter 'C'.

C Jeffrey

346 Kekueneoa St. U12
Hilo, HI 96720

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE
CONSUMER RESOURCE CENTER
OAHU OFFICE
235 SOUTH BERETANIA STREET 9TH FLOOR
HONOLULU, HI 96813
www.state.hi.us/dcca/rico

Wailuku, HI 96793

KONA OFFICE
Kona Shopping Center
7111 Alii Dr. Rm. 134A
Kona, HI 96740

Kauai OFFICE
3080 EWO St. 204
Uhuo, HI 96786

COMPLAINT FORM

Pile No.

The company/individual you complained against will be informed of this complaint. In order to facilitate resolution of this matter, your complaint may be referred to mediation, if appropriate. This complaint will not be processed unless this form is complete, legible, signed, dated and includes copies of all available evidence.

YOURNAME

Please print legibly or type
☒ Mr. Jeffrey Charles James
☐ Ms.
☐ Mrs.

Social security number (optional, for identification purposes only):

Address:

Telephone number where you may be reached (8:00am-4:30pm): (808)

Residence number: (808)

Business number:

NAME OF COMPANY OR INDIVIDUAL YOUR COMPLAINT IS AGAINST

☐ Mr. Na Leo 'O Hawai'i, Inc
☐ Ms.
☐ Mrs.

Address:

Phone number: (808)

Fax number: (808)

Name of person you dealt with: Juergen Denecke

License number:

Briefly explain your complaint (attach separate sheet if necessary) The management practices of the corporation are: 1) Arbitrary 2) Applied unequally. Treatment is dependent upon gender and upon personal preferences of the manager. The management practices of the corporation do not incorporate the input of the employees who are affected by those practices. Reasonable requests by employees that are intended to facilitate the operation of the company are either ignored, ridiculed or not seriously considered. No explanation for the lack of implementation of this service has been given in over two years.

Continued on reverse.

08/20/03

- Note: Enclosed is a copy of a notice posted in the digital editing bays of the Hilo facility of the Big Island Public Access. The TRT is an important detail in broadcasting each video production.

Check the Storyboard format of the digital editing system. The time is given in increasing increments. The TRT can be determined by simply subtracting the time shown at the end of the countdown from the time at the end of the Storyboard.

- The "good idea" that is suggested by the notice is time consuming. It is also needlessly risky for novice producers. These types of instructions are examples of a lack of intuitive knowledge of technical principles.

- This lack of intuitive knowledge of technical principles and broadcasting priorities can lead to more flawed decisions. The potential of public access to media is in the ability to broadcast. Broadcasting options must be continually expanded not limited. Big Island Public Access management has consistently made decisions that limit broadcasting options.

ALL PRODUCERS

PLEASE BE SURE TO DOUBLE CHECK YOUR
TRT

ESPECIALLY IF EDITING ON DIGITAL SYSTEM

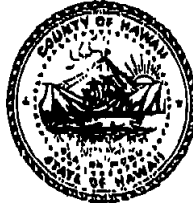
COUNTING FROM:
FIRST OF SHOW...TO END OF LAST
DISCLAIMER/ACKNOWLEDGEMENT

(DONOT INCLUDE BARS/COUNTDOWN/BLACK)

A GOOD IDEA IS TO INSERT YOUR SLATE SEPARATELY ON
THE ANALOG EDITING BAYS AFTER COUNTING TRT



LENINGRAD ELARIONOFF
Councilmember



PHONE: 961-8265

FAX: 961-8912

2003-125

OFFICE OF THE COUNTY COUNCIL

County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720

August 22, 2003

To : Leningrad Elarionoff, PWIRC Chair
Jaines Y. Arakaki, Council Chair
Connie Kiri, Legislative Auditor

From : Michelle Akoni, Council Aide

Subject : Draft Statewide Cable Television Access Plan

RECEIVED
03 AUG 27 AM 8 57
COUNTY CLERK
COUNTY OF HAWAII

On Thursday, August 21, 2003 a fax was sent to the office of Mr. Mark E. Recktenwald, Director of the Department of Commerce and Consumer Affairs inviting them to make a presentation on the Statewide Public, Education, and Government access in Hawai'i. This presentation was to be made to the Public Works and Intergovernmental Relations Committee.

This morning Mr. Garrett Kashimoto, Administrative Assistant to the Director of the Department of Commerce and Consumer Affairs called regarding this presentation. He stated that the basic premises of the meetings they are holding are to gather information in order to make a plan for the Statewide Public, Education and Government Access television. He stated that the requested presentation would be a duplication of the information they are sharing at the Public Comment Meetings being held throughout the State. He also stated that this information was sent out to the Mayor with enough time for everyone to be informed about all the meetings. The West Hawai'i public meeting is scheduled for August 27, 2003 and the Council Members are more than welcome to attend at that time.

If anyone has any comments or concerns regarding this Garrett Kashimoto may be contacted at 586-7582.

Xc. Garrett Kashimoto, Department of Commerce and Consumer Affairs

2003-138



"Juergen Denecke" [REDACTED] on 09/03/2003 12:35:07 PM

To: <cabletv@dccahawaii.gov>

CC:

Subject:

Attached is Na Leo's response to the DCCA PEG Pla.



- Response_State_Plan.doc

Na Leo 'O Hawai'i, Inc.

In Hilo: 91 Mohouli Street, Hilo, HI. 96720
Tel: (808) 935-8874 Fax: (808) 961-3621 e-mail: naleo@interpac.net
In Kona: 74-5590 Eho Street, Suite #115, Kailua-Kona, HI. 96740
Tel: (808) 329-9617 Fax: (808) 329-9630 e-mail: naleo@gte.net

September 3, 2003

Cable Television Division
Dept. of Commerce and Consumer Affairs
State of Hawaii
1010 Richards Street
Honolulu, HI 96813

Aloha,

Na Leo is pleased to submit its comments regarding the DCCA Plan for Public, Education and Government Access.

Issue #1: Expanded Role for Counties in Cable Regulation

Na Leo 'O Hawai'i is in favor of Option #1

The current regulatory framework has served Public, Education and Government Access well both in the establishment of PEG and in supporting PEG throughout the years.

What concerns Na Leo is that the Counties core functions are police, fire, roads, waste management, parks, etc. Performing all these core functions leaves little room for assuming cable regulation as well. Additionally, the proposal is being made when several counties and the state are in poor fiscal condition. It is possible that a portion or all of the PEG funds end up in a general fund. Given the fact that the counties are forced to raise, or are considering raising, taxes to preserve current levels of public services, it is entirely possible that PEG funding will be used to provide or supplement the county's core functions.

Another concern is that each county may decide to impose its own regulations, thus creating more disparity among PEG entities rather than more commonality.

DCCA has also been very supportive of PEG on a national level, both at the FCC and in the courts, on issues effecting PEG such as whether "Roadrunner" revenues should be considered as part of gross revenues and thus liable for franchise fee payment. On the federal level, state level participation is likely to be perceived as having more "clout" than a city or county, especially as it relates to the franchising process. It will be very interesting to watch the outcome of the suit that the \$16 billion mega-corporation Comcast has filed against the city of San Jose because of San Jose's PEG requirements.

Issue #2: Governance - Board Appointment Process

Na Leo is in favor of Option #2

Na Leo has had no problem with the status quo but also realizes that, as pointed out in the discussion preceding the governance options, the appointment process has always been problematic with a government entity appointing the Directors of a private corporation. This problem would not be solved by Option #3. The whole range of PEG constituent or producer participation in an election process was discussed in LRB Report No. 4, 1995, and that process was found wanting. As the Report states:

"The goal of selecting a board is not merely to allow for the democratic process. It should be to select a well-balanced board capable, in 'Olelo's case, of handling large sums of money well, and in the case of the other counties, of managing small amounts wisely. A relatively small group of voters could stack the board in a manner that would not fulfill this most basic requirement. The fact that three of the boards described above — Tucson, Austin, and Maryland — moved or are moving from elected positions to fewer or none at all indicates that this can be a real problem.

For those who claim that appointed boards are not "democratic," it must be remembered that the access organizations are **private**, not public. In general, private non-profit organizations have boards that are either appointed by the other board members, or by a supervisory body, or elected from their membership. They choose their **own** form of board selection and there is no requirement for any public input, much less an election. 'Olelo, Ho'iike, Akaku and Na Leo have the right to choose to change their board structures if they find it wise. But for the State to intervene in the board selection process and require a private board to (1) create a membership, and (2) have that membership elect the board, would be a completely novel invention in this State."

At one time, Na Leo did have a representative of the producers on its Board. It was disconcerting to have the person identifying himself during introductions as representing a particular group rather than the general public, as the rest of the public members did; but it basically illustrates the problem of a producer being unable to separate his/her own or his/her group's self-interest for the good of the whole organization. It is also important to remember that board members themselves understand their role as policy setters and are committed to serving the total community, not their own self-interest.

However, in speaking with producers over the years, I have discerned a distinct lack of understanding of the functions of a Director, the executive director and the supporting staff of Na Leo 'O Hawaii, or indeed at other non-profits. Put succinctly, the Directors role is to chart the course of the corporation with policies and financial decisions supporting the corporation's mission. Yet the general impression among producers seems to be that the Director's role is to "micromanage" the corporation, and in particular, "their" Director will micromanage or intervene to the producer's advantage. It is this confusion over the Directors role, and the inability to distinguish the client's self interest from the corporations needs or existing policies, that lie at the heart of the problem. As cited in the LRB report, the Board at the Austin, TX. organization grew so dysfunctional that the city was forced to dissolve the Board and to start all over again.

The nomination process for Directors at Na Leo as outlined in the Bylaws is rather involved, requiring consideration of geographic, gender and professional factors. The Board also strives to achieve a balance between public, education and government sectors. Another important factor in the selection process is the Board's determination as to what professional expertise the proposed Director can contribute to the corporation that the corporation is lacking. As a consequence, persons with extensive backgrounds in production have been Directors for the entire history of Na Leo 'O Hawaii. The argument that Directors do not know what is required of a producer is also specious. Na Leo Directors have undergone the same field production course as is required of Na Leo producers. Therefore, they do in fact have an understanding of what is involved in production.

Furthermore, the nomination process is wide open — anyone can submit or have their name submitted to the Nominating Committee.

As far as public and producer input into Board decisions is concerned, that mechanism already exists by allowing the public to address the Board and to put items on the Agenda.

One question, however, remains unanswered. If a self-elected Board becomes a reality, will the Office of Information Practices still consider the PEG entities state agencies or will their rationale have to change? It might be worthwhile to look at incorporating adherence to the Sunshine Laws as part of the management contract, as well as to specify which documents must be made available to the public upon request.

Issue #3: Cable Advisory Committee

Na Leo is in favor of Option #2

It is Na Leo's understanding that the Cable Advisory Committee was established in the formative years of cable in Hawaii and worked together with the State's consultants. The formative years have long since passed. Ergo, the Committee is no longer needed as evidenced by the fact that it has not met for thirteen years. Na Leo would also suggest that retaining or expanding this State committee is contradictory to the intent as expressed in Issue ~~##~~ Reactivating a state committee while at the same time advocating local control seems contradictory. The Committee should be sunset.

Issue #4: Financial Resources

Na Leo is in favor of Option ~~##~~

One of the principles on which PEG was based during its formation in Hawaii was the idea that PEG would benefit the citizens of the county in which a cable system operated and that that cable system would support PEG through its franchise fees. It was recognized that there would be a disparity in funding levels, yet the principle was adopted. It is **still** valid today. However, Na Leo also recognizes that additional funds are highly desirable and necessary for the sustainability of the corporation. But rather than raid each other's funds, Na Leo would urge the adoption of both options in Issues #6.

Issue #5: PEG Channel Resources

Inasmuch as the cable channel realignment is taking place, the question is moot. However, Na Leo would urge that the State adopt a different definition of channel resource, namely that of bandwidth. With the change from analogue to digital technology currently taking place, one analogue channel can contain a number of digital channels within its allocated bandwidth. Consequently, instead of specifying five analog channels, Na Leo urges the adoption of a bandwidth definition that is required for community use. In the current example, five analogue channels equate to 30 megahertz of bandwidth, which equate to about 5% of cable channel capacity.

Issue #6: Sustainability

Na Leo favors both Option ~~##~~ and Option #2

In order to provide the maximum number of opportunities to seek out other sources of funding, both the ability to engage in "for profit" activities and the ability to seek out other sources of funds are necessary. Na Leo believes that the Board of Directors should set the policies that determine which activities to pursue and not a state entity.

Issue #7: Greater Community Participation

It is in the interest of **PEG's** to invite as much community participation as possible. Remote access centers in locations other than the main facility are desirable. However, it is not enough to simply "drop off" equipment at a location. A support structure, including staffing at some level, would need to be provided. To a great extent, the number of remote sites would depend on the funding available to provide this support. The Board will continue to explore these options as the question of funding becomes clearer. At the present time, mobile facilities are not in the cards for Na Leo.

Issue #8: Cooperation and Collaboration Among PEG Organizations

Na Leo agrees on all points.

Issue #9: PEG By-Laws

Na Leo believes that it should be left to the discretion of the Board of Directors to change the By-Laws as required and determined by the Board. Roberts Rules of Order are in force during Board meetings.

Issue #10: Charter 92F

Please see Na Leo's comments under Board Governance concerning the issue of OIP. Na Leo believes that an amendment to the contract regarding OIP issues is sufficient. If it is determined that PEG boards become self-appointing, it follows that imposing legislative requirements for Sunshine Law adherence have not really solved the problem of government interference in the control of a private corporation.

Issue #11: Daily operational Procedures - responsibility of each PEG

Na Leo agrees

Issue #12 Development of technical standards

Na Leo agrees

Issue #13: Review of connectivity (PEG network) currently provided by W F

The PEG network on Hawaii is currently incomplete. The finished parts of the network are the interconnection between the Hilo and Kona cable head ends and the interconnect utilizing part of the HITS system between the Hilo and Kona PEG facilities. In addition, the connection between the UH-Hilo campus and Na Leo for UH and DOE programming is complete. There is no connection between the county or state building in Hilo or Kona (Note: There is no central county government point at this time in Kona).

Na Leo is hopeful that an interconnect between the two cable systems - Hawaiian Cablevision of Hilo and Sun Cablevision in Kona - will become a reality in the near future, thus allowing Na Leo to consolidate its playback operation in one facility. It would also be very helpful if DCCA clarified the issue as to who is responsible for equipment expenses to be able to connect and inject a signal to the cable system(s) as part of cable's PEG responsibilities.

Issue #14 Proarammina (CSPAN)for Hawaii

Although initially attractive, the creation of a new organization to achieve this objective would most likely divert funds and other resources from PEG entities. Inasmuch as Na Leo is already squeezed for funding, Na Leo is not in favor of this idea. Additionally, it is very doubtful if the local population is terribly interested in other island neighborhood meetings, etc. The focus of interest is still on local Bia Island issues and concerns.

Issue #15 Resolution of complaints concernina PEGs

Na Leo agrees

Issue #16roduction versus Facilitation

In order to try to become self-sustaining, the PEGs need to develop other sources of income apart from solely relying on franchise fee payments. This was also recognized by DCCA in the contracts with each PEG. The contracts require the **PEGs** to develop a plan for self-sufficiency. Consequently, the model of facilitation only is obsolete.

Na Leo believes that the Board is the responsible party for developing the policies and procedures that govern activities involved in attracting additional funding to the organization, while being cognizant of its primary mission.

Thank you for facilitating the meetings and for having had the opportunity to discuss these issues.

Very truly yours,

Juergen Denecke
General Manager

2003-141



"Na Maka o ka 'Aina" [REDACTED] on 09/03/2003 06:30:30PM

To: <cabletv@dcca.hawaii.gov>

cc:

Subject: testimony, Statewide Cable TV Access Plan

Aloha mai,

Attached is my testimony regarding the Statewide Cable TV Access Plan, a Word document.

I am also including the testimony as part of this email (below), in case you have problems with the word document.

a hui hou,
Joan Lander

--

Na Maka o ka 'Aina

[REDACTED]

Testimony regarding the DCCA plan for Public, Education and Government Access

Submitted by Joan Lander

[REDACTED]

My name is Joan Lander and, I am a producer with the video production team Na Maka o ka 'Aina.

My experience with public access began in 1974 with the advent of cable TV to Hawai'i.

I joined with others to form a group dedicated to training community members in small-format video production and providing programming to the public access channels throughout O'ahu and some of the neighbor islands.

Our home base was a small room at Oceanic Cable. We trained approximately 200 people a year and were able to program about four hours per night. There

was no budget. We were all volunteers.

Our intent was to show that the access channels were needed and would be well used once people knew about them and could learn how to produce video. Our fear was that the access channels would be taken away if they were not used.

Public access seemed to us at the time to be God's gift to mankind, a truly valuable venue to let the people's voices be heard, without censorship or commercial ties.

From those early years, I've since moved on to producing video professionally. However, public access has never lost its importance in providing a way to get our educational programs and documentaries to the people they were meant to reach.

In fact, public access is more valuable today than ever. Cablecasting a program on a repeated schedule throughout the islands is often more effective in reaching the community than a one-time broadcast on public television.

Although we've come a long way from the volunteer-based efforts of the 70's, public access has basically kept to its grass-roots-oriented mission. I wouldn't want to see anything happen that would in any way curtail the free and open use of the cable channels or upset the way things are now.

Issue #1: expanded role for counties

Because the DCCA has had such a long history with the origin, culture and purpose of cable access, I feel that it should remain the principle regulator. If the power is shifted to various county entities, there is a danger that these local groups, who may have no background in the philosophy and history of public access, may begin to exercise improper control of their little fiefdoms. They may try to run the channels like their own private television stations. There would be no appeals process for a producer who encounters problems or has disagreements with the local county entity and, likewise, no check on a county entity that is actually violating the spirit of public access.

I am not averse to a planning committee composed of members from each county to be formed to develop strategies for greater cooperation. I have always felt that there needs to be a way that programming could be shared more easily between islands, without the hassles of differing tags/disclaimers and tape formats. Indeed, this planning committee could hopefully come up with a technical solution towards an islands-wide channel on which programming from all the islands could be seen.

Likewise, there is nothing wrong with the county reps having a greater involvement in the Cable Advisory Committee.

Issue #2: governance

Option 1 seems to me the safest way to go. Again, it's a matter of an

islands-wide entity holding everyone to the tried and true course, without the possibility of local private or special interests trying to take control and change the mission.

Regarding Option 5, there is nothing wrong with requiring the PEG boards to allow for open participation and viewpoints from the public and the producers. Perhaps the process for doing this could involve live call-in programs in which the board discusses the issues and receives feedback. Perhaps surveys could be conducted over the Internet.

Issue #3: cable advisory committee

Yes, bring it back! And why not increase the size so that more points of view can be heard. In this day and age, with email and teleconferencing, it should be no problem for an advisory committee to do its work. Again, this advisory committee could also appear on a live, call-in program, perhaps once a year or so, so that producers and the public would know of its existence. No harm in giving the advisory committee a budget, so that research into new technologies and strategies could be done on a continuing basis. This advisory committee could perhaps come up with solutions to Issue #6, sustainability.

Issue #4: financial resources

I feel that O'ahu could probably share more of their resources with the neighbor islands without suffering a decrease in service. Even a very small percentage of ~~the~~ O'ahu's budget would make a great deal of difference to the other county's abilities to bring good quality video to the access channels.

Issue #5: PEG channel resource

It would be wonderful for each cable system to have one access channel dedicated to programming from all the islands. We here on Hawai'i island have no idea of what's going on on Kaua'i and vice versa.

Issue #6: sustainability

This is a difficult issue. With the difficulty of finding private funding these days, I would suggest that DCCA encourage the PEG boards to seek other funding, but not require it. The Cable Advisory Committee could be tasked with coming up with solutions to financial problems, should they arise. I also see nothing wrong with corporate funders sponsoring programming, as long as their participation is limited to that which they enjoy with public television.

Issue #7: greater community participation

All of the services mentioned are good. Mobile facilities for the neighbor islands need to be implemented. Perhaps what is needed in these cases is not

so much a van, as the ability to uplink to the station from anywhere on the island. Even a one-camera coverage of an event would be better than nothing.

Issue #2: cooperation among PEGs

All of the options discussed are good and need to be encouraged. Under programming resources, I would love to see each cable system have a channel on which programming from all islands could be seen.

Issue #10: Uniform Information Practices

The state requirements for openness should be the very minimum of what the PEGs should be required to do.

Issue #11: Daily ops

The content disclaimer is the main thing I would like to see standardized among all the PEGs.

Issue #12: technical standards

With the wide variety of cameras, formats and non-linear equipment, I really don't see how it would be possible to standardize anything. I hear comments sometimes about the low quality of production on access, but they more often refer to production quality, not technical quality. Could the Cable Advisory Committee do a survey on whether low technical quality is really a problem?

Issue #14: CSPAN for Hawai'i

An independent, non-profit public affairs entity is a great idea!

Issue #16: Role of PEGs

'Communitybuilding' programming should be at the discretion of the PEGs, with a limitation set on equipment use and air time, perhaps no more than ten percent or so.



. Testimony.DCCA.doc



Mary Marvin Porter [REDACTED] on 09/04/2003 03:45:13 PM

2003-14

To: cabletv@dca.hawaii.gov
cc:

Subject: Statewide Cable Television Access Plan - Comments

[REDACTED]

September 4, 2003

Director Mark Recktenwald
Department of Commerce and Consumer Affairs

Dear Mr. Recktenwald,

I was on the mainland when your hearing was held in Hilo and I just learned that tomorrow is the deadline for comments regarding PEG Access. Thus I must be brief. I have been a producer of video shows for many years at the Hilo Public Access Station.

My first concern is the poor broadcast quality of the Hilo public access station, especially the audio. The audio from another channel somehow leaks, or bleeds# over into the public access channel. I believe it was channel 53 audio leaking into channel 55. (All the channel numbers have been changed this week and the public access channel is now 54.) I have talked to the staff numerous times and they say the other channel has it's audio up too high. However, it does not affect any other channels and it seems to me that the public access channel has been given inferior wiring or cable for this problem to be happening. Furthermore in regards to poor audio, there is often an odd tic, tic, sound, like a metronome. When I ask the staff about that, they say they don't know what causes it and they can't fix it.

I go to some effort to present programing that has good audio. It is discouraging and embarrassing to have the quality degraded in the broadcasting. Would you please require that the public access station have as good a quality cable output as the other PEG stations. Actually why not require that it is as good a quality as the other cable channels?

In regards to the overall management, I believe it would be extremely helpful to have several of the producers serving on the board of directors. They could be appointed, or elected by the producers at the

station.

Having just learned that 5 channels are available for PEG use, it would be good to have a second channel available for public access. At times I have wanted to schedule a show that was time sensitive and there was not space available for several weeks to a month.

Evening time slots are the most desired and hard to get. Two channels would give more people an opportunity to have their shows at a popular time. Although there may be slow periods, the NPR radio fills in nicely.

Another concern in regards to the cable company that is not exactly the focus here, but the cable company has changed the channel numbers for the second time this year. That is confusing to people. Then at the top of the line up is channel 2, a station that has no programs just non-stop selling of #stuff. And they refuse to give the main Honolulu stations the same cable number as their channel number. This is very confusing to people and I have never been given any good reason for this. Is there one?

Thank you for your consideration of my concerns.

Sincerely,
Mary Marvin Porter

Do you Yahoo!?

Yahoo! SiteBuilder - Free, easy-to-use web site design software
<http://sitebuilder.yahoo.com>



- Peg Access testimony

1
Attached.
Unable to open.
Same testimony as
above.
Ms. Porter faxed.)


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Thank you for your consideration of my concerns

Sincerely,

Mary Marvin Porter

Mary Marvin Porter



"Clay Callaway" [REDACTED] on 09/08/2003 01:28:28 PM

2003-185

Please respond to "Clay Callaway" [REDACTED]

To: <cabletv@dcca.hawaii.gov>

cc:

Subject: dcca draft for comment

Aloha,

Please forgive the latent submission. If unable to include in the public comments, please re.view attached document for informational purposes regarding other PEG matters. If unable to open attached file, please contact me at 808-935-8874.

Mahalo,

Clay Callaway



- DCCA hearing.doc

Na Leo 'O Hawaii, Inc.



In Hilo: 91 Mohouli Street, Hilo, HI. 96720
Tel: (808) 935-8874 Fax: (808) 961-3621 e-mail: naleo@interpac.net
In Kona: 74-5590 Eho Street, Suite #115, Kailua-Kona, HI. 96740
Tel: (808) 329-9617 Fax: (808) 329-9630 e-mail: naleo@gte.net

Monday, September 8, 2003

DCCA - Cable Television Division

Dear Mr. Director,

I was present as the videographer at the recent public comment hearing held by the DCCA on August 10, 2003 at University Hawaii Hilo. Since I was otherwise preoccupied, it was difficult for me to abandon my position behind the camera, however, as Technical Coordinator, Studio Supervisor, and Video Training Instructor for Na Leo 'O Hawaii, I now submit commentary to the DCCA on the subject of the draft for commentary.

Issue #1: Should the County Government take over from the state with regard to PEG. The short answer is no. There is a certain element of autonomy created by the distance and limited interference of day-to-day policies and procedures of PEG. One concern is that there is the danger of PEG becoming a political tool for board appointments by the Mayor creating perhaps a degree of cronyism as in small communities like this one there may emerge certain conflicts of interest. A second concern is regarding the funding, its allocation and accounting by the County and would this remain a vital service if current funding were to be reduced or redirected. So continuing with the current framework is preferred.

Issue #2: Option 2: Self-appointment by the PEG Boards. Much was mentioned during the commentary about the inadequacy of the Na Leo Board of Directors. I beg to differ. It is their diversity in culture, gender, business expertise and affiliation, and experience which makes them the correct board for such an entity. And in response to Mr. John Morales' claims that there are no current board members with TV Production experience, he failed to mention former board member Marilyn Keri, Big Island Film Commissioner and current board member Tony Basile, with extensive background in Television and Film production. As with many of Mr. Morales' comments, they fell a bit short of the truth, the whole truth, and nothing but the truth. With regard to the suggestion of PEG Producers/Clients being included on the Board of Directors, most of those interested in such a position have a personal agenda to forward through the use of Na Leo facilities and those most qualified are often too busy with their day to day lives in addition to producing regularly for the channel. The reality is that on the entire Big Island, we have a couple dozen series producers, ranging from once-a-week series to once-a-quarter series, and about another dozen or so producers that average a show or two per year. So the pool from which to draw from is rather shallow. Additionally, if board elections were made any more complicated, my suspicion is that the already busy Na Leo staff would be required to plan, implement and validate such an election. Please refrain from decisions that would create additional work for our limited human resource. Our two facilities only have 5 full time employees, 1 part time employee and two management to keep the two facilities open 60 hours each per week.

Issue #3: Cable advisory Committee. It appears we have managed without them for several years and judging from the day's testimony, the Cable Television Division of the DCCA is getting regular input from members of the community.

Issue #4: Option 1: Continue with the current financial structure. My concern with option 2 is the manner in which the funds may be allocated. Currently each county basically funds for itself with what they get. I do, however, feel strongly that Cable modem revenues should be included in the calculation of the franchise fees. Time-Warner Cable is utilizing the exact same cable to

generate additional revenue through the utilization of those cables along the public right of way. I do not know by what logic these revenues are not subject to the franchise fee.

Issue #5: Five channels are more than enough. We have enough trouble filling the four we currently handle. If we had a greater operational budget to hire additional human resources for facilitating production in and around the community we would be better able to serve the vast reclusive pockets here on Hawaii.

Issue #6: Both Option 1 and 2 have merit. Telethons, grants, fundraisers, public joint ventures are all worth pursuing. Additionally, though it may be less viable on Oahu since they have a well-established professional Film/TV community, I feel that Na Leo should have the option to "rent" out studio space to organizations for a fee. In Hilo, a prime example is the Palace Theater, also a 502 (c) 3 non-profit with the real property owned by the County of Hawaii. They often allow outside entities rent the Palace for a fee. Employees man the ticket booth and attend to the details of such an activity, while volunteers also contribute as ushers etc. In our environment an employee along with volunteer crew could provide low cost video production services to local non-proms and community organizations. Such efforts could range from simple round table discussions in-studio to 3-camera studio productions with fancy graphics or even a mobile unit is not out of reach. Since we have no such resource of this kind here on Hawaii, we would not be competing with local business. Additionally, intra Island video conferencing could be another community service we could provide through our segment of the INET.

Issue #7 Greater community participation requires concerted and sustained outreach and public relations with the community. Perhaps of the many charges leveled at Juergen Denecke during the commentary, the one truism that failed to be mentioned is that public relations has never been Juergen's forte. To my understanding he was hired due to his technical experience, which he has clearly demonstrated. Ultimately, for increased participation from the community, more operational funds would be required to be expended. I do not know if such funds are currently available in the Na Leo budget and haven't been utilized or if additional funds could be generated in a manner previously explored in Issue #6. Bottom line, here at Na Leo, I train all the students single handedly, assist all producers with editing, camera, audio issues, in addition to my data entry, tape loading, class scheduling, equipment maintenance, outreach efforts to youth groups, repairs and requisitions. And that is just before the lunch break. Since I am generally the sole staff member here in Hilo after 5. If I have a class to teach, I must juggle that with helping those in the edit bays, answering the phone, and answering the security door, and still load the programs for the next day when done with class and clearing and closing the 5000sq.ft. building.

Issue #8: I also encourage PEG entities to collaborate, however, recently I wanted to submit a local '25th Annual Shakespeare in the Park' the pigeon rewrite of "A Midsummer's Night Dream" to 'One Uddah Mid 'Summah" to Oleio for playback over there. Well I had to get an Olelo staff member to 'present' it and since they have professional and non-compatible broadcast equipment, I had to re-copy the 2 hour program back to mini DV format (each tape can only hold an hour) so that the Olelo staff member could then re-copy again to the DVCPro format they have changed to. A DVC pro VCR just for your information costs about \$5000. Their format is unrelated to all the other PEGs in the state and our capitol resources are better spent on equipment that could directly serve our clients rather than the off-chance one of our producers happens to know an Olelo client or staff member to present the Big Island produced program on Oahu.

Issue #9: The Na Leo Board currently operates by Roberts Rules of Order as well as the 'Sunshine Law' with the exception of executive session which generally would concern personnel issues or other non-public matters.

Issue #10 My only statement regarding OIP in general is that if we are considered a state entity, then where is my state employee benefit package?

Issue #11: I think our PEG is keeping with our current daily operational procedures, the only exception to keeping the regular 8am-8pm hours is when I am required to go to Kona for equipment repair/maintenance. On these days, no one is available to watch the Hilo facility until 8pm and they generally close about 6pm.

Issue #12: Just trained staff would be a plus. In the 2-1/2 years I've been working here, I have never received any training. Though some would be nice. Cross support would also be helpful. As mentioned earlier, if we could eventually provide island wide and interisland video conferencing for businesses and emergency/disaster response coordination, this could provide us with the designation of "vital service" and be eligible for additional federal funding.

Issue #13: Any upgrade to the current hodgepodge we now work with, particularly the INET, would be welcome including but not limited to the lack of an Island wide interconnect. If the entire Big Island were interconnected, we could originate all programming from Hilo facility, freeing us from maintaining a duplicate complement of broadcast Interface and playback array in Kona, thus freeing up capital and operational revenues. With these revenues Kailua-Kona could move to a nicer location, since close proximity to the Cable head end would not be required, and that facility would become strictly for the purposes of training and production facilitation. With such a system, perhaps we could better reach the far corners of the Big Island in Hawi, Ka'u and Kapoho. Ololelo currently has several "satellite" facilities for training and equipment checkout throughout Oahu. With five times the land mass and one fifth the funding, we are struggling to maintain two full compliments of broadcast, field production and editing facilities. You do the math.

Issue #14: Please do not create more work for me. Yet.

Issue #15: The current system, if implemented fully, functions for all.

Issue #16: This issue goes back to whether or not we can actually produce programming or charge for our service to produce programming. In essence we would need to not only be a production facility, but also a production company. I spent the first 20 years of my Film and TV career working for or as an independent production company. For Na Leo to take on full-blown production, again would require additional resource, particularly in the personnel department. Just a couple good hands and a few volunteers would make this a feasible option for Na Leo. Personally, I am all for 'community building' through efforts of PEG, but this also stems back to the need for more outgoing and aggressive management.

In closing, I would like to respond to certain charges and insinuations made by previous public commentators. Since I have the luxury of the video of the hearing here in Hilo. I would like to present the statements/quotes I found objectionable or inaccurate and then my response.

Charles Jeffrey: "Currently Na Leo has no live broadcast ability."

Until our playback/broadcast equipment was relocated to our new facility March 2003, such a connection required Na Leo to wait for the fiber hookup from the cable company. In May 2003 we were capable of live broadcast from either studio at the facility. To date, only two classes (12 people) have been through the studio course training and none of those individuals are ready for live to tape production let alone live to air production. In time, as these new inductees to the world of studio production become more practiced, most definitely Na Leo will provide live broadcasting from the studios. Also, Mr. Jeffrey, to my knowledge, has never inquired about any aspect of the studio class and has not indicated any interest in signing up for the class.

Also, Mr. Jeffrey's claim to be "in broadcast" is tenuous at best. Prior to his employment with Na Leo, he worked for Wendell Keahuakea at a radio facility, and was terminated. He was also terminated from Na Leo, not for failing to load a tape for playback, rather this was the final straw in a long and consistent record of poor work performance over the course of several months and was on probation for his poor work performance. I had witnessed him being rude and unhelpful to clients, selling his 'Amway' products and conducting extensive personal business while at work (also the reason he was not allowed access to the internet), as well as failing to load programs multiple times. Currently he is collecting his second year of unemployment on behalf of Na Leo.

With regard to some of the charges Mr. Morales made regarding availability and access to equipment. Some parts of what he said were true. We do have certain cameras earmarked for 'in house use only.' This does not mean he may not use the equipment, simply that he cannot take it out into questionable environments since we have determined certain cameras not accommodating to Big Island rain, dust and ocean. With regards to the camera I was using to tape the meeting, it is a brand new digital camera received less than two weeks prior to the

meeting, the first training actually took place the Monday evening before the 19th and the first check out was that following Friday. And though Mr. Morales may disagree with Mr. Denecke's analogy of PEG **TV** and having a driver's license, Community Television is not a right guaranteed by the first amendment, it is a privileged venue for exercising that right. And if that privilege is abused, as has been the case in several instances with John Morales, then this facility must retain the right to protect its equipment from misuse and its staff from abuse.

PEG TV is an incredibly empowering medium for those often voiceless within our communities. However, besides training the community and maintaining the equipment, we have little or no resources to insure that individuals are not using Na Leo equipment and the public access channel for personal financial gain, except through the policies that govern its allocation. I find it interesting of the hundreds of people affected or touched by the programming we provide, no one but Na Leo staff bothered to appear at the Kona meeting and at the Hilo meeting we got to hear from the director of **PBS** Hawaii, a part time Na Leo staff person, a disgruntled former employee, and of course Mr. Morales, whose reputation speaks for itself.

Please feel free to call if you have further need of any further information.

Sincerely,

Clay Callaway
Technical Coordinator
Video Instructor
Studio Supervisor - Na Leo 'O Hawaii, Inc.