

Department of Commerce and Consumer Affairs' ("DCCA") Final Plan for Public, Education, and Government ("PEG") Access

Executive Summary - January 2004

DCCA's final plan for PEG access is attached. DCCA developed a draft of this plan after conducting a series of public meetings statewide during the summer of 2003, and after receiving input from over a hundred concerned citizens. DCCA then obtained additional public comments on the draft plan, and made revisions which are reflected in the final version.

The Plan is intended to build on the strengths of the PEG access system in Hawaii, while addressing needs that were identified by the public through their comments. Some of the more significant aspects of the plan include:

1) Home Rule for PEGs at the Option of the Counties. Each county will have the opportunity to oversee PEG access in that county, in order to allow them to develop PEG policies that best suit their unique needs. Counties that exercise this option will receive funding from DCCA to help defray their administrative costs. If a county declines to exercise the option, DCCA will continue to oversee the operation of the PEG in that county. In either case, regulation of cable operators will remain with DCCA.

2) Additional Support for Underserved Areas. DCCA's public comment process identified substantial unmet needs for PEG access services in certain areas of the state. In order to provide additional funding to those areas, DCCA will propose reallocating some of the cable fees that currently support DCCA's cable regulatory program.

3) Broader Participation in PEG Governance. DCCA's public comment process identified a need for broader representation on PEG boards of directors. Accordingly, for those PEGs overseen by DCCA, the plan provides that one member of each PEG board will be selected by an election process involving the active producers and users of the PEG.

4) Cable Advisory Committee. The plan recommends that the Governor appoint members to the cable advisory committee, which has been inactive for a number of years. The Committee will include representatives from the counties, and will provide DCCA with input on its PEG policies including the provision of additional funding to underserved areas.

5) Ensuring Openness and Accountability in PEG Operations. All PEGs overseen by DCCA will be required to adopt bylaws and policies consistent with the requirements of Hawaii's public meetings and open records laws. Additionally, all PEGs will be subject to periodic reviews by independent third parties to ensure that they are expending funds appropriately and complying with applicable contractual requirements. Finally, the annual contract renewal process for PEGs will be strengthened.

Changes included in the Final Plan based on comments regarding the Draft Plan:

- 1) Introduction.** A brief discussion of the issuance of the draft plan has been included.
- 2) PEG Oversight.** The Plan notes that if a County elects to oversee its PEG organization, the specific terms of the contracts between the PEG, the County and DCCA will be developed by those parties during negotiations.
- 3) Governance.** The Plan has been amended to provide more detail about the process for electing a member of the PEG board. Eligibility requirements for voters and candidates have been further specified.
- 4) Funding.** The Plan has been amended to clarify that additional funding for underserved areas is available to the four (4) PEG organizations only.
- 5) PEG By-Laws, Sunshine and Open Records, Resolution of Complaints.** As part of the annual contract renewal process for each PEG organization, the DCCA will consider the PEG's adherence to its by-laws, its compliance with sunshine and open records requirements, and its responsiveness to complaints.
- 6) Independent Third Party Reviews.** The Plan has been amended to provide that independent 3rd party reviews will initially be conducted for all of the PEGs. The DCCA will select the independent third party and will determine the schedule of future reviews once these initial reviews are completed.
- 7) Addition of a New Issue.** The Plan has been amended to include Issue #18: Strengthen DCCA's Contract Renewal Process with the PEGs. New reporting requirements by the PEGs will be added and their contract renewal dates will be modified to occur after their annual reports are due, so that DCCA will have that information available when it considers the renewal of the PEG's contract.

For further information, contact DCCA's Cable Television Division at 586-2620.