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MARK E. RECKTENWALD
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July 2, 2004

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

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

Mr. Sean McLaughlin
General Manager
Akaku – Maui County
Community Television
333 Dairy Road, Suite 104-A
Kahului, Hawaii 96732

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

Dear Ms. Lopez and Messrs. Denecke, McLaughlin, and Robertson:

Re: Qualifications of Voters and Candidates for Election of PEG Board
Member Vacancy

We recently received inquiries regarding the qualifications of voters and candidates for the upcoming election to fill a vacancy on your PEG access entity's Board of Directors ("**Board**"). Specifically, the questions were:

1. whether an individual who is "not in good standing" with a PEG access entity or has been suspended by the PEG access entity is eligible to vote or be a candidate for the Board vacancy, and
2. whether an individual who is under the age of eighteen (18) is eligible to vote or be a candidate for the Board vacancy?

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McLaughlin, and Robertson
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As you know, the DCCA issued its final "Plan for Public, Education, and Government ("PEG") Access" in January 2004 ("**PEG Plan**"). Paragraph 3 on page 6 of the PEG Plan lists the three (3) qualifications for voters, and as clarified in our May 26, 2004 letter to you, an individual who possesses any one of these qualifications is eligible to vote. The Plan did not expressly address whether there should be an age requirement for candidates or voters, or whether suspended/not in good standing individuals could be candidates or voters. There are strong arguments on both sides of those issues. For example, the PEG access entities have expressed concern about potential liability associated with having a person under the age of 18 serve on the board of directors. On the other hand, there are persons under the age of 18 who could possess the maturity and commitment to serve.

In light of the strong arguments on either side, and the fact that the PEG access entities are not state agencies and therefore have autonomous decision-making authority, each PEG access entity may adopt its own policies regarding these issues.

If you have any questions on the above, please do not hesitate to contact Mr. Clyde Sonobe, the Cable Television Administrator, at (808) 586-2620. Thank you for your continuing efforts to elect a new Board member.

Very truly yours,



Mark E. Recktenwald
Director of Commerce and
Consumer Affairs

c: Department of the Attorney General