

by the DCCA in evaluating the performance of each PEG. "

Who decides what is "The appropriate resolution of complaints by the PEGs", a where does one view DCCA's evaluation of the performance of each PEG.? How often, if at all, are these evaluations done? What if any actions have been take an evaluation has been poor and where can the documentation of actions take viewed?

To date there have been over 30 bylaw violations reported to DCCA and the or resolutions I have witnessed are that those in violation just change or remove the bylaw(s) being violated. Is this what DCCA considers an "appropriate resolutio It would appear so.

'Olelo's ongoing discriminatory practices have been continually pointed out to the DCCA and on only one occasion was anything done by DCCA. They sent this letter: <http://hpam.hi.net/dcca/dccapublic.gif> to the 'Olelo board of directors to which response was rendered either to DCCA or the person filing the complaint. Is th what DCCA considers an "appropriate resolution"? The DCCA was requested to remove all of it's appointed directors "with cause" citing the DCCA appointed board directors as the ones responsible for the discriminatory practices as they were result of board unanimously approved initiatives. Discriminatory practices continue to this day even though DCCA's administrative rules mandate that access to tt channels be on a "first come, non-discriminatory basis". In light of that it woul appear DCCA is in violation of its own adminstrative rules amongst potential violations.

Perhaps if DCCA were to put in writing a bona flde process for and penalties Fa coming up with an "appropriate resolution" the public could comment on it, bu without it we wiii just assume that "Resolution of complaints concerning PEGs' continue to go into a black hole.

jg

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Posted: Sat Aug 09, 2003 6:07 pm Post subject: The KafkaWheel of Torture

[quote](#)

Ed Coil  
Hyper Active



Joined: 04 Jul2002  
Posts: 208  
Location: Here Now

Censorship is retroactive - You can say whatever you want - they will retaliate later ☺

Here is the template DCCA uses to "resolved" complaints

Quote:

Dear Complainer,

Your complaint has been recieved and forwardec

to (Fill in access organization here). Please refer all further coorspondence regarding this matter to (fill in access organization here).

We feel sure (fill in name of access organization here) will resolve this matter to your satisfaction.

Of course nothing is done but exact further retaliation. After I resigned from the board in protest of repeated bylaw violations I complained to DCCA. In Retaliation Hoike"terminated" my access to facilities so I could no attend board meetings to bear witness of their repeated violations This was not to my satisfaction but apparently Hoike (and DCCA) were OK with this remedy

Ed Coil - Asking questions is a human right!

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Ed Coil  
Hyper Active  
1 1 1 1 1



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

Posted: Mon Aug 11, 2003 9:40 pm Post subject: DCCA does not regulate Access Organizations!!

quote

## DCCA does not regulate Access Organizations Then who does Nobody

See the letter from DCCA

<http://kauai.net/abcess/djune19.html>

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DV dude  
(Guest)

Posted: Thu Aug 14, 2003 10:40 pm Post subject:

quote

It looks like the fundamental problem is confusion over who "owns" PEG. I think it will take the courts or the legislature to clear this one up.

The publics position:

We pay for it ail and don't get participate in how it is run. We only get one out of five channels. That one channel is controlled and censored by local PEG. What does the "P" in PEG mean? What happened to America?

Ho'ike, local PEG position:

This is OUR private business. Screw the public, in fact, we are going to grow by taking ratepayers money to compete with private media production businesses. Wow, that was a tough boardroom meeting trashing the bylaws, sunshine and throwing out the public, time for our free pupus. Isn't this a great country.

DCCA's position:

We just helped start PEG. Even though we receive close to 15% of the entire states PEG budget and appoint the majority of the PEG boards, we really don't have overs of PEG's.

We just mediate problems between the boards and public through private close meetings that

the public can't attend. However we will fly to Kauai ,in person to listento the publics complaints to tell them we can't do anything about them. Don't worry if I have relatives

working at the cable company, we have the publics interest in mindat these to cable negotiations in the bedroom, I mean boardroom. Maybe we need a legal opinic

what i s America?

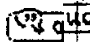
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WendyArbelt  
Prolific



Joined: 17 Aug 2003  
Posts: 22

Posted: Fri Aug 22, 2003 3:49 pm Post subject: right!



Quote:

Resolution of complaints concerning PEGs

"DCCA will attempt to facilitate a reasonable solution compromise that address the concerns raised while also respecting the policy and decision making of the PEG's board of directors. To accomplish this objective, DCCA will relay complaints to the PEGs and request a copy of the responses to those complaints."

This is what DCCA CAW has been doing (ineffectively) for years: asking the fox to guard the henhouse.

Quote:

;"The appropriate resolution of complaints by the PEGs is a factor taken into account by the DCCA in evaluating the performance of each PEG."

Note there is nothing regarding what DCCA might do when it evaluates the performance of each PEG and finds the concerns haven't been resolved equita y. (Has such an evaluation ever been done?)

Since repeated complaints have not been resolved, then I would conclude that DCCA has not deemed repeated bylaw violations important.

It should be noted here that many members of the community have

directly requested DCCA to order an independent financial and management audit of Olelo so that DCCA will truly know to what extent Olelo is carrying out its mission and operating equitably and in a fiscally appropriate manner. DCCA did not testify on any of the bills or resolutions before the Legislature this past year requesting an audit. It has not listed an audit as an option in this draft. CATV administrator Clyde Sonobe has said DCCA will not consider such an option until after the comment period on this Draft is passed. Since this is not listed as an option, how does he expect people to comment on it? More to the point, wouldn't it be more sensible to have the audit done before the comment period (and even before the draft plan) so everyone, DCCA and the public alike, can know truly what needs to be fixed. The present document has DCCA tinkering around the edges and in the dark.

Olelo has adamantly resisted such an audit for years; ever since it was originally proposed. What does it have to hide? And why does DCCA not want to know the truth as soon as possible?

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digitaleye  
Prolific



Joined: 19 Jun 2003  
Posts: 28

Posted: Sun Aug 31, 2003 9:14 am Post subject: ISSUE #15: Resolution of complaints concerning PEGs

[quote](#)

You state "DCCA will attempt to facilitate a reasonable solution ... To accomplish this objective, DCCA will relay complaints to the PEGs and request a copy of the responses to those complaints. The appropriate resolution of complaints by the PEGs is a factor taken into account by the DCCA in evaluating the performance of each PEG. "

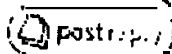
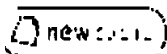
Reasonable solutions have yet to be witnessed so the question is: how does or will an inappropriate resolution affect the DCCA's evaluation of each PEG and will you please provide documentation of the past and future evaluations?

By making it clear that PEG entities should be considered "cable operators" providing a "cable service" for purposes of HRS 440g <http://hpam.hi.net/HRS/hrs440g.html> and HAR Title 16 Chapter 131 [http://www.state.hi.us/dcca/odWhar\\_131-c.pdf](http://www.state.hi.us/dcca/odWhar_131-c.pdf) (PDF) then it would also make clear how they were to behave and how they were to resolve complaints.

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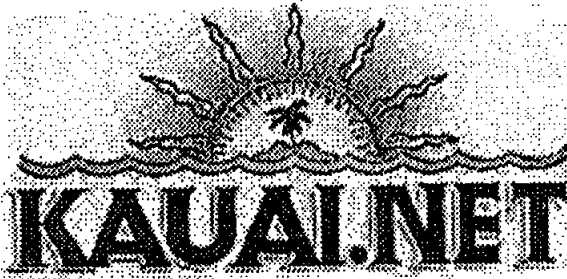
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## ISSUE #16: Role of PEGs : Production versus Facilitation

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Author

Message

Comment on draft PEG plan  
Regular

Posted: Mon Jul 21, 2003 1:38 pm   Post subject: ISSUE Y16: Role of PEGs : Production versus Facilitation

[quote](#)

Regular



Joined: 18 Jul 2003  
Posts: 19

### ISSUE #16: Role of PEGs : Production versus Facilitation

(Click here to review - ISSUE #16)

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- Read other people's comments (below)
- press the **POST REPLY** button (above left), type your comment and press the **SUBMIT** button. To send your comment directly to DCCA cut, paste and email your comment to: [mailto:cabletv@dcca.hawaii.gov](mailto:mailto:cabletv@dcca.hawaii.gov)

You are invited to become a member of Kauai Net. Kauai **Net** Membership allows even greater citizen participation. And like **speech** it's FREE 😊 Members can:

- Sign comments automatically
- Forward an email to DCCA (using the email button below)
- Participate in polls and surveys
- And of course **MUCH MORE** 😊

To become a member Click the **REGISTER** option in upper right hand corner of page, fill in the Form and **LOGIN** (see FAQ For details. *NOTE* Your email & other information will not be disclosed without your authorization.

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Elitist  
Guest

Posted: Mon Jul 21, 2003 7:34 pm   Post subject: Olelo looks like PBS wannabes

[quote](#)

The idea that Olelo will unilaterally, and without open public proceedings, determine what the citizens of Hawaii need to see on TV is ludicrous and **insulting!**

It's particularly sad to see Olelo squandering serious money on thier poorly conceived programs while communities across the State are lacking basic

resources to have a voice! Even producers in Honolulu are getting short-changed by Olelo's misplaced priorities.

Olelo is elitist and arrogant, if they want to do 'in-house' productions, they should compete with independent producers who live in the real world.

Take Olelo Funds away from the clique who control them and use the resources to build true access for every island!

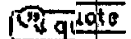
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**lid Coil**  
HyperActive



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

Posted: Mon Jul 21, 2003 8:26 pm Post subject: Amature.socialengineers?



**Quote:**

As the needs of their clients have evolved, PEG access organizations have reviewed and assessed how they can continue to serve their unique communities. In addition to their mission of training, developing production skills, and providing a forum for exchange of ideas, PEG access organizations have also been involved in activities that some have deemed non-traditional. Examples include: (1) responding to local government RFPs for video and captioning services which results in competition with private organizations, and (2) the development of programming utilizing the organization's resources, which could result in decreased availability of equipment or other resources (such as air time) to the public users of these access facilities. The development of such programming is sometimes referred to as "Community building".

Finally the crux of the matter put off to the very end. Education and Government users largely take care of themselves having the resources to produce and provide programming content. PEGs simple need to manage scheduling of G and E.

When it comes to their Public mission of training individual members of the public to use production equipment to create programming and then air that programming on the public access channel, the access organizations have been subject failures.

Instead of calling it "Mission Failure" they engage in Orwellian doublespeak and say the "needs of their clients have evolved." Apparently the DCCA has swallowed this malarkey lock, stock, and barrel and are considering letting these failed access organizations engage in "community building."

Unless hubris has assumed the status of enabling legislation, by what authority do these untrained, unqualified, unelected, state Funded employees presume to engage in community building?

I see nothing in the congressional intent nor the mission of PEG access which

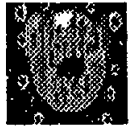
allows State mandated public monies to be used by access corporations to monopolize the publicresources they manage to engage in social engineering.

Ed Coil - Asking questlons is a human right!

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digitaleye  
Prolific



Joined: 19 Jul 2003  
Posts: 28

Posted: Sat Jul 26, 2003 8:32 am Post subject: ISSUE #16 :Role of PEGs: Production versus Facilitation

[quote](#)

The question DCCA asks is:

"Should DCCA continue to allow them discretion to undertake such activities, and if so, should there be any limits on that discretion?"

Absolutely not!In-house productions should not be allowed other than PSAs for the PEG access corporations and their trained producers' programs.

The way things are now, the access center is choosing what messages to facilitate and that is in essence results in "content control" of the channels which is not what cebters are supposed to be doing.

Any type of program facilitation should be overseen by an independent, Impartia cvommittee through an opne process with the criteria for choice clearly spelled out, per IRS law.

jg

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Rob Reef  
Regular

1 1 1



Joined: 08 Sep 2002  
Posts: 10  
Location: Honolulu, HI

Posted: Tue Jul 29, 2003 2:34 pm Post subject:

[quote](#)

Quote:

PEG access organizations have also been involved in activities that some have deemed non-traditional

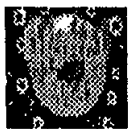
Is this another way of saying engaging in activities not authorized by their mission? ie making \$\$\$\$\$\$ using public resources?

Rob Reef

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digitaleye  
Prolific



Joined: 19 Jul 2003

Posted: Tue Jul 29, 2003 2:59 pm Post subject:

[quote](#)

ie making \$\$\$\$\$\$ using public resources?

Code:



Posts: 20

You may have a point there if you consider the two examples could result in political favoritism and a cost savings to the board representative's favorite nonprofit organization(s).

Examples include:

- (1) responding to local government RFPs for video and captioning services which results in competition with private organizations, and
- (2) the development of programming utilizing the organization's resources, which could result in decreased availability of equipment or other resources (such as air time) to the public users of these access facilities. The development of such programming is sometimes referred to as "community building".

[/quote]

jg

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**ddigitaleye**  
Prolific



Joined: 19 Jul 2003  
Posts: 26

Posted: Tue Jul 29, 2003 3:02 pm Post subject: making \$\$\$\$\$\$ using public resources?

[quote](#)

**Rob Reef wrote:**

**Quote:**

PEG access organizations have also been involved in activities that some have deemed non-traditional

Is this another way of saying engaging in activities not authorized by their mission? ie making \$\$\$\$\$\$ using public resources?

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Examples include:

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**lid Coil**  
HyperActive



Posted: Thu Jul 31, 2003 9:02am Post subject: Ho' ike Board says nbo to production

[quote](#)

**Quote:**

Examples Include: (1) responding to local government RFPs for



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

video and captioning services which results in competition with private organizations, and (2) the development of programming utilizing the organization's resources, which could result in decreased availability of equipment or other resources (such as air time) to the public users of these access facilities.

In a Jan 31, 1995 meeting the Ho'ike board of directors voted to approve the following resolution:

**Quote:**

The Board of directors of Ho'ike in recognition of the organizations purpose to facilitate effective use of public access opportunities by all sectors of the community and to foster quality Community programming that serves program Producers and viewers resolves that Hoike will not enter into competition with private producers for production contracts. Further it is resolved that contracts prior to Jan. 31, 1995 will be fulfilled.

VOTE: INFAVOR: ALL  
OBJECT: 0  
ABSTAIN: 0

The board members who passed this resolution were: Jonathan Chun, Marilyn Wong, Annette Creamer, Helen Sina, Stan Yates, Shirly Akita, Eleanor Lloyd, **Chuck Mally**, Ken Bernard, and Bill Harkins.

Ed Coil - Asking questions is a human right!

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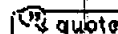
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Carol Bain  
HyperActive



Joined: 05 Jul 2002  
Posts: 57

D Posted: Sat Aug 09, 2003 10:51 am Post subject:



Important Announcement:

**Quote:**

The University of Hawaii system announces a creative method to generate much needed funds. Almost all campuses have extensive automotive repair facilities used for training and maintaining campus vehicles. These include radiator and carburetor repair, state-of-the-art computer maintenance systems, and on some campuses, full auto body and painting services. Beginning next semester, whenever Facilities are not being used for training, these facilities will be open to provide repair services at reduced rates to the public. "We think this is a win-win situation," announced the Dean of Instruction, "Because overhead is paid for, equipment is provided, and trained staff are paid and ready for work, UH and all campuses that participate can offer reduced quality auto repair at much lower rates than the other garage and auto service centers charge. And all you non-profit groups; you get a special deep-cut discount because we like you so much. Drive on down to your local campus auto center, and let's do business; at a fraction of the cost,"

Does the above scenario sound plausible to you? What kind of reaction do you think King Auto Center, Sears, Kuhio Auto and all the garage and repair shops around the campus will have? Fortunately, the above scenario is not true.

However, it points out there is a serious problem if public resources are allowed to compete for contracts.

Unfortunately, the state Dept. of Commerce and Consumer Affairs (DCCA) is considering allowing this exact scenario for their PEG access Facilities that they created In each county. The Four PEG access organizations, which receive over 6 million annually in state-mandated funds, must be not be allowed to compete for video production jobs and contracts. No private production companies could underbid Hoike or Oielo or any of the state-Funded access Facilities.

This is not a healthy, competitive environment. IF a facility Funded by state-mandated franchise Fees is allowed to compete against private companies, they have an unfair advantage. Why am I concerned about this? Because I own a private video production company and have already lost contracts to Hoike: Ka uai Community TV, Inc. The DCCA should end this practice immediately, not promote it.

The PEG access non-profit corporations were created by the state to serve a public purpose: train people who do not have access to the medium to make their own Free-speech messages. At this point, the state cannot just change the purpose and make it a competitive production company. Tell the DCCA not to allow PEG access corporations to "sustain" themselves by competing for video production contracts.

Email [ch@ctv.org](mailto:ch@ctv.org) before Sept. 5, 2003, deadline For submitting input on the latest DCCA Statewide Cable Television Access Plan. To read the entire plan (be sure to read Issue #16) visit: <http://kauai.net/planoutline.html> or <http://hpamhi.net/2003PEGplan/> Production companies around the state will be speaking against this bad idea. It is time to tell the DCCA to not allow the PEG access Facilities to become predator) non-profits and take jobs and contracts away from private enterprise.

Carol Bain

"Freedom of the press is the staff of life For any vital democracy." quote by Wendell Willkie

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**JV** dude  
Guest

Posted: Thu Aug 14, 2003 11:16 pm Post subject:

[quote](#)

Pull the plug on this one!

PEG has no business, being in business, competing with private business with public Funds. I have been pitched For business by too many employees (after hours producers) at Ho'ike.

These part time producers see the public learning video production (that they are supposed to be helping) as competition for their Future outside jobs. This is the wrong attitude at PEG. They shouldn't even produce PSA's, there are plenty kids that could do a better job and need the experience.

I don't like PEG's producing for Government or Education. They are still competing with private business with public funds.

I'd like just stuck to the mission of training the public, instead of giving them a bum rush out of PEG, then there would be plenty of "public" messages on TV.

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Wendy Arbelt  
Prolific



Joined: 17 Aug 2003  
Posts: 22

Posted: Fri Aug 22, 2003 4:10pm Post subject: laundry list



Quote:

ISSUE #16: Role of PEGs : Production versus Facilitation  
"As the needs of their clients have evolved..."

I am Impressed here at the extent to which DCCA has taken the word of Olelo (since it's the gorilla in the bunch, it's pretty safe to assume that it's Olelo that's making the assertion) and ignored that of the public. The needs of the clients haven't evolved, the degree to which Olelo has attended to their needs of the clients has devolved. Over the years Olelo has erected quite a laundry list of barriers to access. They include (short list here)

- poor training
- 1700% Increase in training costs
- no follow-up to training
- poorly maintained equipment
- inequitable equipment availability
- staff not available, doesn't return phone calls in a timely manner, used to be within 4 hours on answering machines
- programs not aired when scheduled'
- programs not re-aired as often as Olelo's own programs and that of its favorite!
- inequitable application of rules
- access center not abiding by its own rules
- not listing presenter at end of their shows
- taking equipment off island
- Olelo's productions come before clients
- in equipment use, channel allocation
- retaliation
- undocumented policies
- training cost waivers inequitable for independent producers vs. non-profits)
- selective outreach
- agenda setting for the community (not by it)

As a result of the above and more, the client base has dwindled almost to the point of disappearing. Since this has been going on for years, I must assume that it is intentional and with DCCA's blessing.

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Wendy Albeit  
Prolific



Posted: Fri Aug 22, 2003 4:22 pm Post subject: indiscrete discretion



[Quote](#)

Joined: 17 Aug 2003  
Posts: 22

Quote:

"...PEG access organizations have reviewed and assessed how they can continue to serve their unique communities. In addition to their mission of training, developing production skills, and providing a forum for exchange of ideas, PEG access organizations have also been involved in activities that some have deemed non-traditional."

They are "non-traditional" because they run counter to the mission (In the bylaws - here's just another of those violations), which is not to produce programing but to do the best they can to facilitate the public in producing For themselves.

Quote:

"Examples include: (1) responding to local government RFPs For video and captioning services which results in competition with private organizations,"

They can underbid and win because they have the cushion of the "welfare" money From your pockets that they don't have to do anything to receive. Effectively tax money From the public is helping Olelo take business away From local private businesses.

Quote:

"and (2) the development of programming utilizing the organization's resources, which could result in decreased availability of equipment or other resources (such as air time) to the public users of these access facilities."

Not could, does. DCCA knows this. Why did i tparse this sentence in thls manner?

Quote:

"The development of such programming is sometimes referred to as "community building".

It is by Olelo. Others would refer to it as bulding support for special Interests - on the public's dime.

Quote:

"The DCCA has given the PEGs discretion to determine whether, and to what extent, they should engage in such activities."

Why? Hasn't it read the establishing legislation? the PEGs bylaws?

Quote:

"Should DCCA continue to allow them discretion to undertake such activities, and if so, should there be any limits on that discretion?"

NO, without qualification.

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Rob Reef  
Regular  
[Profile Icon] [PM Icon]

Posted: Mon Aug 25, 2003 10:33 am Post subject: Discretion equals discrimination [quote](#)

Discretion equals discrimination [quote](#) IF your a "favored cieint" they put you on the



Joined: 08 Sep 2002  
Posts: 10  
Location: Honolulu, HI

"fast track" and employees all of the sudden become "unpaid volunteers" more than willing to facilitate productions (read produce programs FOR these special interests), while others spend their time jumping barriers erected to slow track productions to the back burner with play times limited to when no one is watching.

**Quote:**

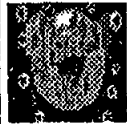
"Should DCCA continue to allow them discretion to undertake such activities, and if so, should there be any limits on that discretion?"

**Rob Reef**

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cdigitaleye  
Prolific  
1 1 1 1



Joined: 19 Jul 2003  
Posts: 28

Posted: Sun Aug 31, 2003 9:17 am Post subject: ISSUE #16: Role of PEGs: Production versus Facilitation



The "Building Community" vision the PEG boards have adopted can not be found in access corporation's Articles of Incorporation, bylaws, contracts or is there any mention of it in state or federal laws regarding PEG Access. This reverse Robin Hood fable appears to be designed to get all to defocus from the true mission, which by the way 'Olelo has nowhere on their website or visible at their facility.

The mission statement that can be found in their Articles of Incorporation, bylaws, but again, are not available on their website or at the facility, states:

"The specific and primary purpose of the Corporation is to promote the creation, production and cabiecasting of programs by, for and about Hawal'i.

To this end the Corporation shaii:

maintain the channels in a manner that is free of censorship and control of program content."

Creating the content themselves does not sound like it's "Free from control of program content", but quite the opposite.

"provide a range of resources for program production for the users of these channels."

I don't think the users referred to were meant to include the access corporation itself.

"develop and enforce such rules and policies that will ensure equitable access to these channels and production consistent with applicable state or federal laws."

If the corporations are giving preferential treatment to their choice of recipient! without clear criteria For the process of choosing them then it would appear they are not "ensuring equitable access to the channels consistent with applicable state or federal laws".

If there are any facilitated productions, they should only be provided for through an open grant process.

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2003-125



sundae merrick [REDACTED] on 08/31/2003 05:34:11 PM

To: "DCCA, Cable T V" <cabletv@dcca.hawaii.gov>  
cc:

Subject: Public Comment

August 31, 2003

Cable Television Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
1010 Richards St., 2nd Floor  
Honolulu, HI 96813

Aloha to the DCCA,

I want to express my gratitude and appreciation for the productive and effective manner that Olelo provides equipment, client support and training. I have been an active producer since March of 2002. It is so important to have expertise, equipment and edit bay availability, especially when I have limited free time.

I have had a very positive experience with Olelo. I have taken the Producers, PD 100 Camera, Lighting, Editing I Movie & FCP and Directing Workshops. They have given me the tools and knowledge I need to produce our show. We have an excellent client counselor, Gigi, and she keeps us advised on what I need to know. Programming has been great with airing our shows. Our series, "Get Healthy Yoga" won honorable mention at the annual awards banquet in 2002.

We receive so many wonderful comments about our show. People who cannot go out to go to a yoga class can do it at home. People who have had heart problems, back problems and agoraphobia have expressed their appreciation for this show. Recently, we received a letter



regarding "Get Healthy Yoga" expressing that "it is using the tool of television in the highest." It is so rewarding to do community service on this level.

I would not favor any cuts to Olelo's program, I would like to see **an** expansion of the opportunities, staff and equipment for our basic right of free speech. I could never get this message of health and relaxation to the general population **by** myself without the outstanding facility available with Olelo. It is an honor and right worth preserving and enhancing.

Very sincerely yours,

Sundae Merrick

2003-10



"Mona" [redacted] on 08/31/2003 12:31:25 PM

To: "Dept. of Commerce" <cabletv@dcca.hawaii.gov>  
cc:

Subject: Olelo Public Hearing - Aug. 25, 2003

Aloha, my name is Mona-lisa McRae. I am writing to express my opinion and support for the extension and permanent funding of the Olelo televised broadcast station. I am a former Chair-person for the Halawa Displaced Families and Re-union Committee. Our parents were among the first to express public opinion on rights and issues that affect the native hawaiian community and in those days there was no forum in which to speak unless we were able to get an appointment with the Governor. We all know the means to which our government is based upon as far as "freedom of expression" and public opinion to speak in a forum that is fair and peaceful. The word peaceful has deep meaning, if you look at the sixties and how they were exploitive because of the oppression the black people were under. This is what happens when the people have to rally together to get their voices heard.

Olelo allows us the civilized process to have access to discuss our points and let everyone become aware of what is going on for both the factor and opponents of their views. We get to view historical data and have research capability which is vital to Hawaii and her survival especially to its native intelligence. To me, this is another form of discrimination to the local people of Hawaii. What little we have gets taken away and how easy it is to take away our voice to disband the blood-line.

Keep Olelo Alive! Mahalo.

.....  
[Upgrade Your Email - Click here!](#)

2003-128



Jeff Garland  
<digitaleye@hi.net>  
08/31/2003 11:18AM

To: DCCA Director Mark Recktenwald <mrecktenwald@dcca.hawaii.gov>  
Clyde Sonobe <Clyde.Sonobe@dcca.hawaii.gov>  
cc: catv@dcca.hawaii.gov  
Subject: Comments and Testimony on DCCA PEG Plan

Aloha Director Recktenwald and Mr. Sonobe,

Attached please find my testimony and comments on the current draft of the DCCA PEG Plan in HTML format. For my additional comments, please go [here](#), as I will continue to add any other ideas I come up with between now and the submission date of the final plan to the state legislature.

Sincerely,

**Jeff Garland**

Jeff Garland

President, Community Television Producers Association (CTPA)

Webmaster, Hawai'i Public Access Media (HPAM)

P.S. I look forward to all comments being posted on the DCCA CATV website to facilitate the public's involvement in the democratic process. I am happy to volunteer any assistance you may need in accomplishing that simple task.

Aloha Director Recktenwald,

I am Jeff Garland and I represent only myself in making these statements, which I believe are in the best interests of the viewing public. I have studied this matter over the past 8 years and am compelled to speak out on the facts that I have obtained through my research. I speak in favor of a comprehensive Statewide Access Plan, but against this one in its current form.

I feel it important for me to first state that I feel extremely uncomfortable that this plan is in process without the oversight of the Cable Advisory Committee which both Governors Cayetano and Lingle have failed to appoint, which is a violation of state law.

Cost of studies, plans and research regarding Hawaii PEG Access to date are now well in excess of a half a million dollars with little to show for the expenditure. How will this "plan" be any different? Where is the complete process for this plan spelled out? Is this plan only to protect the state and the PEGs from possible litigation, or to protect the Public's best interests? Will you continue to allow the PEGs to use their up to 150 thousand dollar a year publication's budget for window dressing newspaper articles to make the organizations appear to be non discriminatory "Community Builders" while this plan is still in process?

At the opening of the August 12, 2003 DCCA PEG Plan meeting on Maui you stated that the plan is "just a starting point, some things we had thought were important, or were worth thinking about or considering, and the options that we had heard some folks suggest that might be worthy of consideration" which makes it appear that the 7 PEG producers' concerns that were shared with you are not "worthy of consideration" as none of their options appear in this plan. Do you

not consider them "some folks"? Could you please tell us exactly who the "some folks" are whose suggestions are worthy enough to be in this plan? You also noted that you wanted to build the people's trust in you and I want to wish you much luck because DCCA has a long history to overcome as you have witnessed by the epidemic lack of recall for answers to very important questions by past and current directors, employees and administrators in your division.

DCCA's disturbing history with franchise fees and agreements began with director Alm who established PEG and their bylaws and provided for over a million dollars a year of "cable" franchise fees to go to Hawaii Public Broadcasting without a proper hearing or following the intent of state legislation. He left DCCA to take over as President of First Hawaiian Trust. Soon after, he got appointed to 'Olelo's board and oversaw all 'Olelo's, KHET's, DCCA's and Oceanic's funds in his trust. His next move was to begin a process to merge 'Olelo and KHET which appeared to be only of benefit to KHET, not 'Olelo or the public. His final move was to KHET's board and now he's at the Hawaiian Electric political graveyard in charge of government relations since about the time lawsuits were filed against First Hawaiian Trust for mismanagement of funds. Mr. Alm's group of 'Olelo board directors were from the education sector and the end result was education now gets 25% of 'Olelo's funds on top of the other services 'Olelo provides for educational institutions.

DCCA Director Matayoshi, whose husband worked for AOL TW CEO Steve Case's father and whose mother was appointed by governor Cayetano to assist nonprofits, appointed a group of elite nonprofit administrators and board directors to 'Olelo's board of directors, who have now virtually changed 'Olelo's mission to one of more inequitable facilitation of Nonprofits. DCCA has not even responded to requests for them to remove their appointed directors with cause.

Your Cable Television Division administrator's wife works for AOL TW Telecom and he has a well documented history of non responsiveness to complaints and concerns up until the new administration came in, but still responds as slowly and as minimally as possible.

Director Matayoshi appointed ex Deputy Director & ex Cable Television Division administrator, and fellow YWCA board member Susan Doyle to 'Olelo's board. Doyle was informed of DCCA's intent to remove public benefits from PEG and to provide for larger profits for Oceanic Time Warner in the franchise agreements. Ms. Matayoshi doesn't recall telling anyone but Ms. Doyle of DCCA's intent and Ms. Doyle not only failed to tell any other 'Olelo directors, administrators or active clients, but also failed to inform any of the other access centers in the state of the potential for the loss of 10% of their funds. All this was done while the Governor was in violation of HRS 440g-13 by not appointing anyone to the Cable Advisory Committee. I don't think it can be considered "in the public's best interest" to virtually eliminate all residents of the state from the franchise process by intentionally keeping the most important information about potential outcomes from them.

If you truly want to gain the public's trust, might I suggest you reconsider excluding the concerns and options provided to you by members of the public before this current draft plan, which still include:

A Legislative Management and Financial Audit of these PEG corporations who, collectively to date, have received more than 50 million dollars.

Audit Oceanic TW to verify they are actually providing all funds collected and that they are following their mandates of providing services which are supposed to be at no cost to subscribers and/or the State.

Change the **PEG** Corporations from Nonmembership to Membership corporations to give the financial and program contributors a bona fide stake in their community media corporations. Mandate bylaws be changed to state the organizations will abide by state "sunshine" and open records laws.

Repeal Director Matayoshi's derogation of **HRS 440g-15b** which now allows DCCA to collect more fees from subscribers than the Cable Television Division actually uses. This can be accomplished by putting back the language the state auditor requested and got the legislature to pass to avoid overcharging in the first place. Either that or designate the "unencumbered balances" of the Cable Television Division for **PEG** baseline services and equipment.

Last but certainly not least, Repair the damage that was done in Decision and Order # **261** and right all the wrongs done in any other franchise orders.

Now, if I have time, on to **my** comments on the specific issues outlined in the current draft of **the PEG Corporations' plan**....:

ISSUE #1: Expanded Role for Counties in Cable Regulation

~~Option 1: Continue with current framework~~

Option 2: Expand the Counties' Role

ISSUE #2: Governance - PEG Board Appointment Process

~~Option 1: Continue with current appointments by the DCCA and cable operator~~

~~Option 2: Self appointment by the PEG Boards~~

Option 3: Appointments by Various Entities

Option 4: Election by PEG constituents

~~Option 5: Establishment of a Mechanism for Public and Producer Input~~

ISSUE #3: Cable Advisory Committee

Option 1: Appoint members to the CAC

~~Option 2: Introduce legislation to eliminate the CAC~~

Option 3: Introduce legislation to amend composition of the CAC

ISSUE #4: Financial Resources

~~Option 1: Continue with the current financial structure~~

Option 2: Should franchise fees be redistributed among the Counties?

ISSUE #5: PEG Channel Resource

ISSUE #6: Sustainability

Option 1: Seek funding from other sources

Option 2: Identify acceptable "for profit" activities as part of PEG mission

ISSUE #7: Greater Community Participation

Mobile Facilities

Alternate Sites

Facilitated Production

Equipment and Staffing

ISSUE #8: Cooperation and Collaboration

Equipment Resources

Among PEG Organizations

ISSUE#9: PEG By-laws

ISSUE#10: Chapter 92F/Uniform Information Practices Act (OIP) opinion dated 09-06-02 : Openness to the Public Records

ISSUE#11: Daily operational procedures - responsibility of each PEG

ISSUE#12: Development of technical standards

ISSUE#13: Review of connectivity (PEG Network) currently provided by TWE

ISSUE#14: Programming (CSPAN for Hawaii)

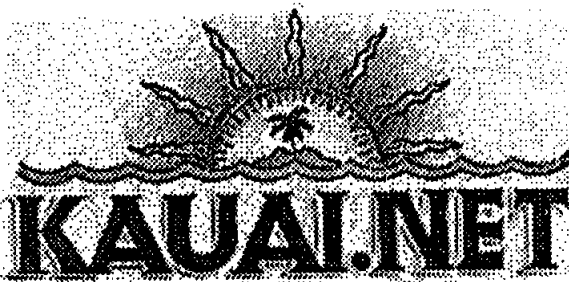
ISSUE#15: Resolution of complaints concerning PEGs

ISSUE#16: Role of PEGs: Production versus Facilitation

Personnel Resources  
Programming Resources  
Compliance to bylaws and adherence to Robert's Rules of Order

Additional Issues:

Issue # 17: Financial and Management Audit by the Legislative Auditor of all state PEG organizations.



# Kauai Net Listening Post

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Author	Message
<p> Topic: ISSUE #16: Role of PEGs : Production versus Facilitation</p> <p><a href="#">digitaleye</a></p> <p>Replies: 13 Views: 240</p>	<p> Forum: <a href="#">Comment on DCCA draft PEG Plan</a>   a <a href="#">Posted: Sun Aug 31, 2003 9:17 am</a> Subject: <b>ISSUE #16: Role of PEGs : Production versus Facilitation</b></p> <p>The "Building Community" vision the PEG boards have adopted can not <b>be found in</b> access corporation's Articles of Incorporation, bylaws, contracts or is <b>there any</b> mention of it in state or federal laws ...</p>
<p> Topic: ISSUE #15: Resolution of complaints concerning PEGs</p> <p><a href="#">digitaleye</a></p> <p>Replies: 9 Views: 186</p>	<p> Forum: <a href="#">Comment on DCCA draft PEG Plan</a>   a <a href="#">Posted: Sun Aug 31, 2003 9:14 am</a> Subject: <b>ISSUE #15 Resolution of complaints concerning PEGs</b></p> <p>You state "DCCA will attempt to facilitate a reasonable solution ... To <b>accomplish</b> this objective, DCCA will relay complaints to the <b>PEGs</b> and request a <b>copy of the</b> responses to those complaints. The a ...</p>
<p> Topic: ISSUE #14: Programming (CSPAN for Hawaii)</p> <p><a href="#">digitaleye</a></p> <p>Replies: 5 Views: 171</p>	<p> Forum: <a href="#">Comment on DCCA draft PEG Plan</a>   a <a href="#">Posted: Sun Aug 31, 2003 9:09 am</a> Subject: <b>ISSUE #14: Programming (CSPAN for Hawaii)</b></p> <p>More Government sector programming would be good, but not if it displaces <b>even</b> more Public sector programs <b>on</b> a discriminatory basis or if it results in even <b>more</b> funds being mandated for Government u ...</p>
<p> Topic: ISSUE #13: Review of connectivity (PEG Network)...</p> <p><a href="#">digitaleye</a></p> <p>Replies: 2 Views: 114</p>	<p> Forum: <a href="#">Comment on DCCA draft PEG Plan</a>   a <a href="#">Posted: Sun Aug 31, 2003 9:07 am</a> Subject: <b>ISSUE #13: Review of connectivity currently provided by T W E</b></p> <p>Why review only the PEG network and not include the <b>I-NET</b> which is available to E &amp; G but not available to the public? A comprehensive list of all connectivity acquired through franchise agreements to ...</p>
<p> Topic: ISSUE #12: Development of technical standards</p> <p><a href="#">digitaleye</a></p> <p>Replies: 3 Views: 116</p>	<p> Forum: <a href="#">Comment on DCCA draft PEG Plan</a>   a <a href="#">Posted: Sun Aug 31, 2003 8:59 am</a> Subject: <b>ISSUE #12: Development of technical standards</b></p> <p>not 5 year old technology. Our legislative committees have failed to support measures that have come before them that co ...</p>

④ Topic: ISSUE #11: Dally operational procedures " Respontblillty. ..

dlaltaleve

Forum: Comment on DCCA draft PEG Plan Posted: Sun Aug 31, 2003 8:57 am Subject: #11: Dally operation procedures, ..

Replies: 2  
Views: 114

Operating Procedures on Oahu are 60 plus pages, the neighbor island's are about 1/3 that size. 'Olelo does not follow its own Operating Procedures and only applies them "on a case by case basis". Ha ...

④ Topic: ISSUE #10- Chapter 92F/ Uniform Information Practices Act

dlaltaleve

Forum: Comment on Posted: Sun Aug 31, 2003 8:54 am Subject: ISSUE #10- Chapter 92F/ Uni

Replies: 6  
Views: 147

ISSUE #10 :Chapter 92F/ Uniform Information Practices Act

All PEG corporations should be contractually obligated to abide by Chapter 92F/ Uniform Information Practices Act (Open Records I ...

④ Topic: ISSUE #9- PEG By-laws

dlaltaleve

Forum: Comment on DCCA draft PEG Plan Posted: Sun Aug 31, 2003 8:48 am Subject: ISSUE#9:PEG By-laws

Replies: 4  
Views: 126

Complianceto bylaws and adherence to Robert's Rules of Order

Neither of those have been respected in the past as witnessed by over 30 bylaw violations having been reported to DCCA to date as ...

④ Topic: ISSUE #8-Cooperation & Collaboration Among PEG Organ...

dlaltaleve

Forum: Comment on DCCA draft PEG Plan Posted: Sun Aug 31, 2003 8:44 am Subject: #8 Cooperation and Collaboration Among PEG Organizations

Replies: 2  
Views: 107

ISSUE #8: Cooperation and Collaboration Among PEG Organizations

All statewide PEG media centers could have the same; equipment, training manuals and the many forms that clients are required to subm ...

④ Topic: ISSUE #7: Greater Community Participation

digitaleye

Forum: Comment on DCCA draft PEG Plan Posted: Sun Aug 31, 2003 8:36 am Subject: ISSUE #7: Greater Community Participation

Replies: 7  
Views: 164

Mobile Facilities

It has long been suggested that a mobile vehicle with camera, mini-studio, edit facilities and computers could be sent to communities on an equitable basis as part of an outr ...

④ Topic: ISSUE #6: Sustainability

digitaleye

Forum: Comment on DCCA draft PEG Plan Posted: Sun Aug 31, 2003 8:33 am Subject: ISSUE #6:Sustainability

Replies: 7  
Views: 169

Option 1: Seek funding from other sources

Grants should be sought to supplement the access corporations and KHET's portion of franchise fees, but should be received and administered in a manne ...

④ Topic: ISSUE #5: PEG Channel Resource

Forum: Comment on DCCA draft PEG Plan Posted: Sun Aug 31, 2003 8:31 am Subje



[digitaleye](#)

[ISSUE t5: PEG Channel Resource](#)

Replies: 3  
Views: 155

At least put back the 10% of channel capacity clause that the director removed  
From previous **D&O(s)**. A more advantageous  
allocation would be a clause inserted for the cable company to provide 10% of ...

Topic: [ISSUE #4: FinancialResources](#)

[digitaleye](#)

Forum: [Comment on DCCA draft PEG P I a](#) Posted: Sun Aug 31, 2003 8:30 am Subject: [ISSUE #4: FinancialResources](#)

Replies: 4  
Views: 149

Option 1: Continue with the current Financial structure

Absolutely out of the question I

Option 2: Should Franchise Fees be redistributed among the Counties?

All island cable...

Topic: [ISSUE #3: Cable Advisory Committee](#)

[digitaleye](#)

Forum: [Comment on DCCA draft PEG P I a](#) Posted: Sun Aug 31, 2003 8:27 am Subject: [ISSUE #3: Cable Advisory Committee](#)

Replies: 10  
Views: 183

Option 1: Appoint members to the CAC

Absolutely, and do it post haste before the Governor is sued For violating state law :

HRS 440g-13 <http://hpam.hi.net/HRS/hrs440g.html#13>

opt ...

Topic: [ISSUE #2: Governance - PEG Board Appointment Process](#)

[digitaleye](#)

Forum: [Forum on ...](#) Posted: Sun Aug 31, 2003 8:25 am Subject: [ISSUE #2: Governance - PEG Board Appointment Pro](#)

Replies: 9  
Views: 196

ISSUE #2: [ernance - PEG Board Appointment Process](#)

Option 1: Continue with current appointments **by the DCCA and cable op ator**

This is not even an option I would consider.

Option 2: Sel ...

Page 1 of 2

Goto page 1, 2 [Next](#)  
All times are GMT - 10 Hour:

Jump to:

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## **ISSUE #1: Expanded Role for Counties in Cable Regulation**

~~Option 1: Continue with current framework~~ Absolutely out of the question !

**Option2:** Expand the Counties' Role I feel the counties' roles should be expanded to allow them to make decisions on how their local infrastructure is to be setup. They should also have a say in the distribution of franchise funds. Now that Oceanic Time Warner Cable has a monopoly in the state the state should make sure that all mandated fees are paid and verify provisions for the institutional networks are provided by the cable company at no cost to subscribers, counties, and/or the state.

I don't feel it is fair for a bureaucrat in an office on Oahu to make all the decisions for communities many miles across the ocean, especially when more than **20%** of the funds from neighbor islands now come back to be spent on Oahu. Perhaps the state can deal with the monopoly company for collection purposes and the cable franchise authority on each neighbor island can deal with the cable company regarding complaints. **DCCA** has reported as little as **3** complaints on average per year in the past. **If** that is all the complaints that have actually been filed with the Cable Television division, then it begs the question what have they been doing with their budget of over \$800,000.00 per year. Perhaps with a franchise authority on each island, with a published toll free number, more complaints would be received and followed up on. This would obviously provide more accountability to the local community.

## **ISSUE #2: Governance \* PEG Board Appointment Process**

~~Option 1: Continue with current appointments by the DCCA and cable operator~~

~~Option 2: Self appointment by the PEG Boards~~ Absolutely out of the question ! **This** would only serve to allow the nepotism to continue unchecked.

Option 3: Appointments by **Various** Entities Approval of officers could be confirmed by the Cable Advisory Committee at a public meeting. Election of directors by the active "members" could be approved in an open meeting held by the franchise authority, the legislature or the city/county council. **Option 4:** Election by PEG constituents To accomplish this the corporations must first be changed from "Nonmembership" to membership corporations. Membership being all franchise area residents who wish to be contributing members by signing a membership form making them eligible to vote and perhaps a nominal annual fee that could be waived in lieu of contribution of volunteer hours on productions. Annual elections should be overseen by an impartial body like League of Women Voters, and ballot mail outs and tallying should be done by them as well.

Option 5: Establishment of a Mechanism for Public and Producer Input This has already been tried

numerous times and has failed miserably due to board and administration controls and lack of follow through by those in control. It appears they were set up to give the appearance clients had an avenue to address concerns to the board and staff, but were actually intended to fail.

**ISSUE #3:** Cable Advisory Committee

**Option 1: Appoint members to the CAC Absolutely, and do it post haste before the Governor is sued for violating state law:**

**H R S440g-13** <http://hpam.hi.net/HRS/hrs440g.html#13> ~~Option 2: Introduce legislation to eliminate the CAC~~ Absolutely out of the question !

**Option 3: Introduce legislation to amend composition of the CAC** Provide for at least one member from each individual island and at least 4 members from the P sector to represent each franchise area, and a representative from each E & G users groups.

**ISSUE #4:** Financial Resources

~~Option 1: Continue with the current financial structure~~ Absolutely out of the question !

**Option 2: Should franchise fees be redistributed among the Counties?** All island cable companies but Oahu should cease providing 1% of their gross revenues to KHET and give it to the PEG entity instead. The .64% that is now allocated for the Cable Television division could be raised to the full 1% that could be collected (an additional .36% of gross revenues can be collected bringing the total franchise fees to its allowable 5%), with the counties keeping 60% for their role in cable regulation and the remaining 40% to go to the Cable Television Division of the state for whatever it is they do. "Capital Funds" that are distributed to all PEGs on an annual basis and a percent of KHET's 1% on Oahu should be pooled into a statewide Cable Advisory Committee controlled "equipment and production fund" for all entities to draw from with the intent to create consistent training and equipment statewide and to provide grants to producers of locally oriented productions of statewide interest and benefit to be allocated through a transparent process with the criteria clearly spelled out.

"Capital Funds" appear to be restricted funds for the express purpose of equipment maintenance and upgrades. In 'Olelo's case, they have received up to 1.9 million dollars a year and rather than using those funds for their intended purpose have instead been placing them in trust, providing minimal interest, until the 2 year restriction has passed and then using those funds for board initiatives decided on out from "sunshine". This practice should cease and exchanged for "time use of money" oriented initiatives.

**ISSUE #5:** PEG Channel Resource

At least put back the 10% of channel capacity clause that the director removed from previous D&O(s). A more advantageous allocation would be a clause inserted for the cable company to provide 10% of their bandwidth for Public, Education and Government use and that the I-NET provisions should also include use by the Public sector, not just Education and Government.

**ISSUE #6:** Sustainability

**Option 1: Seek funding from other sources** Grants should be sought to supplement the access

corporations and KHET's portion of franchise fees, but should be received and administered in a manner that is transparent. Obviously some incentive is needed by the PEG corporations to seek additional in light of 'Olelo's to even address the practice in the past. (see: 'Olelo's "Self Sufficiency Plan" <http://hpam.hi.net/olelo/selfsuffm> Option 2: Identify acceptable "for profit" activities as part of PEG mission There are no acceptable "for profit" activities as part of the PEG Mission. All activities should be "not for profit". Any profitable activity such as becoming an internet provider for "members" should be required to use all proceeds for specified nonprofit purposes of the corporation.

#### **ISSUE #7:** Greater Community Participation

**Mobile Facilities** It has long been suggested that a mobile vehicle with camera, mini-studio, edit facilities and computers could be sent to communities on an equitable basis as part of an outreach program designed to highlight a community event and bring in new media producers and techs at the same time. **Alternate Sites** All alternate sites to date have been placed in DOE facilities and are utilized mostly by DOE students without counting it as finding for the E in PEG. This is not equitable to the Public and that practice should be properly accounted for. **Facilitated Production** Without specific criteria spelled out as required by the IRS for selection of the recipients of and staff support, this option should not even be considered, or allowed by DCCA or whatever franchise authority. Government facilitated productions should always be provided for through grants, as are the Honolulu City Council and the Honolulu Mayor, with the criteria clearly out. These grants should only be used for programs that inform the public with the intent to involve them in the democratic process rather than the creation of self ingratiating programs with the only intent to make an elected official look good in order to facilitate their reelection. **Equipment and staffing** At the very least there should be consistent camera & playback equipment, and came training statewide. This would enable clients to fly to any other neighbor island to acquire video content as cameras are forbidden to be taken off island. Inconsistent playback tape formats has proven to be a major barrier to accessing the channels. A statewide video server accessible via a PEG Access network, possibly utilizing the I-NET, could be used to store all statewide P, E, & sector programming for inter island use. A statewide web server to house all PEG centers' websites and streaming media would be another potential cost saving idea to consider as well.

#### **ISSUE #8:** Cooperation and Collaboration Among PEG Organizations

All statewide PEG media centers could have the same; equipment, training manuals and the materials that clients are required to submit which would save money by eliminating duplication in their creation and updates. Some information in Community Bulletin Boards that should be distributed statewide could be done by one person and then distributed to all centers. Not only would this save time in duplication of efforts but the end result would provide even more information available to the public. In this day and age these PEG corporations should already be providing services online such as class registration, equipment reservations, the potential is limitless. By providing clients with a PIN number that could be used statewide they could provide information and requests in electronic format which would save a lot of staff time and potential cut down on staff mistakes, not to mention provide more transparency and immediate response client needs rather than leaving a message on an answering machine and sometimes waiting days for a response.

Unfortunately the corporation with the most funding does not consider neighbor islands as part

their "communitybuilding" and would rather hoard the funds to use for facilitating community members of her personal choice or putting in a trust fund that has benefited the bank employees on their board.

**Equipment Resources** Retired equipment should be made available to schools and the public through an open auction. Could be an annual "fundraising" event broadcast statewide and/or done via a website.

**Personnel Resources** Forms and Bulletin Board information could be more centralized

**Programming Resources** Statewide PEG video Server

### **ISSUE #9: PEG By-laws**

**Compliance to bylaws and adherence to Robert's Rules of Order** Neither of those have been respected in the past as witnessed by over **30** bylaw violations having been reported to DCCA to date as well as **8** months of mediation totally ignored. Nothing is acceptable other than insertion of and strict adherence to state "sunshine" law (**HRS Chapter 92** Open Meetings law <http://hawaii1000friends.org/HRSStatutes/HRS0921#92> ) in the bylaws.

### **ISSUE #10: Chapter 92F /Uniform Information Practices Act**

All PEG corporations should be contractually obligated to abide by Chapter 92F / Uniform Information Practices Act (Open Records law <http://hawaii1000friends.org/HRS/hrs92f.html>). Both the Office of Information Practices and the State Attorney General's office have agreed that PEG in Hawaii should be required to abide by **HRS Chapter 92f**.

Option **1** provided under this Issue is totally out of the question. It is a minimal burden or expense for PEG access centers to post all documentation that is already created in electronic format on their website. In the past with only an \$8,000.00 annual publications budget 'Olelo somehow managed to provide interested board attendees and clients with copies of quarterly and annual reports, audits, budgets, board initiatives and the like. Today, with publications budgets being as much as \$150,000.00 a year, you would think there would be even more information available. Unfortunately the opposite is true and it appears those funds are being used for self serving purposes by members of the board and administrative staff.

Board Committees & their definitions, and check writing and contract limitations have also been removed from 'Olelo's bylaws which need to be immediately reinserted.

### **ISSUE #11: Daily operational procedures – responsibility of each PEG**

Operating Procedures on **Oahu** are 60 plus pages, the neighbor island's are about 1/3 that size. 'Olelo does not follow its own Operating Procedures and only applies them "on a case by case basis". Having the same operating procedures and forms consistent statewide will not stop the use and abuse by access administrators. Without an impartial body to approve and track equitable administration of those rules, the inequity will continue.

see also: responses to Issue # 8

**ISSUE #12:** Development of technical standards

PEG access centers should be required to be purchasing cutting edge technology, not 5 year old technology. Our legislative committees have failed to support measures that have come before them that could have mandated this. Perhaps legislators' short sightedness is partially due to their awe at the special facilitation they get from 'Olelo that is not provided in the same "first come, non-discriminatory" manner to their constituents.

I have suggested for many years that PEG boards at least have a Technology Committee and I still get the same response, "that's a good idea".

We know where there's a will there's a way. Have the Cable Advisory Committee mandate the standards to facilitate their will.

see also: responses to Issues #8 and #11

**ISSUE #13:** Review of connectivity (PEG Network) currently provided by T W E

Why review only the PEG network and not include the I-NET which is available to E & G but not available to the public? A comprehensive list of all connectivity acquired through franchise agreements to date should be posted on DCCA Cable Television Division's website.

If there were a centralized statewide PEG video server accessible to all island AOL Time Warner cable companies, I would think it would not only save money for AOL Time Warner, thus their subscribers, but would also save money and time for the PEG corporations and money and time for content providers in providing duplicate program tapes.

**ISSUE #14:** Programming (CSPAN for Hawaii)

More Government sector programming would be good, but not if it displaces even more Public sector programs on a discriminatory basis or if it results in even more funds being mandated for Government use with still no mandate for the Public sector.

I see no need for a separate non profit entity to facilitate a statewide C-SPAN like network, but perhaps a volunteer commission comprised of members of each potential government program grant awardee and members from the public sector on each island involved in production of civic issues oriented programming, There would of course be some debate as to programming importance which could be open and easily facilitated by an online discussion forum. The forum interaction could be closed to the volunteer commissioners, but all their correspondences would be visible to anyone interested. Public comment could be provided for via email and/or a separate but connected online forum.

**ISSUE #15:** Resolution of complaints concerning PEGs

You state "DCCA will attempt to facilitate a reasonable solution.. . . To accomplish this objective, DCCA will relay complaints to the PEGs and request a copy of the responses to those complaints. The appropriate resolution of complaints by the PEGs is a factor taken into account by the DCCP in evaluating the performance of each PEG. "

Reasonable solutions have yet to be witnessed so the question is: how does or will an inappropriate resolution affect the DCCA's evaluation of each PEG and will you please provide documentation of the past and future evaluations?

By making it clear that PEG entities should be considered "cable operators" providing a "cable service" for purposes of HRS 440g <http://hpaam.hi.net/MRS/hrs440g.html> and HAR Title 16 Chapter 131 <http://www.state.hi.us/dcca/pdf/har131-c.pdf> (PDF) then it would also make clear how they were to behave and how they were to resolve complaints.

#### **ISSUE #16: Role of PEGs: Production versus Facilitation**

The "Building Community" vision the PEG boards have adopted can not be found in access corporation's Articles of Incorporation, bylaws, contracts or is there any mention of it in state or federal laws regarding PEG Access. This reverse Robin Hood fable appears to be designed to get all to defocus from the true mission, which by the way 'Olelo has nowhere on their website or visible at their facility.

The mission statement that can be found in their Articles of Incorporation, bylaws, but again are not available on their website or at the facility, states:

*"The specific and primary purpose of the Corporation is to promote the creation, production and cablecasting of programs by, for and about Hawai'i.*

*To this end the Corporation shall:*

*maintain the channels in a manner that is free of censorship and control of program content. "*

Creating the content themselves does not sound like it's "free from *ontrol of program content*", but quite the opposite.

*"provide a range of resources for program production for the users of these channels. "*

I don't think the users referred to were meant to include the access corporation itself.

*"develop and enforce such rules and policies that will ensure equitable access to these channels and production consistent with applicable state or federal laws. "*

If the corporations are giving preferential treatment to their choice of recipients without clear criteria for the process of choosing them then it would appear they are not *"ensuring equitable access to the channels consistent with applicable State or federal laws"*.

If there are any facilitated productions, they should only be provided for through an open grant process.

**Issue # 17: Financial and Management Audit by the Legislative Auditor of all state PEG organizations.**

A Financial and Management Audit by the Legislative Auditor of all state PEG organizations has been requested by citizens statewide since at least 1996. Many bills and resolutions have been introduced by the State Legislature and some have gone through just one body while others have made it all the way through both only to be ignored by Conference Committees. We suspect this has been due to the PEG entities' obvious lobbying efforts using public funds and facilitated productions available to legislators in a manner that is not available equitably to the public.

The DCCA Director has always had the authority to conduct an audit, yet has failed to do so after 13 years and well over **50** million dollars in franchise fees being collected and distributed to Hawai'i PEG corporations. In 1999 many PEG producers requested an audit by the state auditor, but it appears to have fallen on deaf ears. Many of the requesters have since been retaliated against.

I feel it is imperative to stop and take a clear look at the history of each PEG organization before we move forward.

"The further backward you can look, the further forward you're likely to see."  
Winston Churchill

"The restriction of knowledge to an elite group destroys the spirit of society and leads to its intellectual impoverishment."  
Albert Einstein

"The minority, the ruling class at present, has the schools and press, usually the Church as well, under its thumb. **This** enables it to organize and sway the emotions of the masses, and make its tool of them."  
[Albert Einstein, letter to Sigmund Freud, 30 July 1932]

"America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves."  
Abraham Lincoln

"Our lives begin to end the day we become silent about things that matter"  
Dr. Martin Luther King, Jr.





August 26, 2003

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2003-120

SEP 2 12 27 PM '03

AUG 30 12 26 PM '03

RECEIVED

2003 AUG 29 A 8:58

Mark Recktenwald  
Director  
Department of Commerce and Consumer Affairs  
235 S. Beretania Street  
Honolulu, Hawaii 96813

FILE ...

PBS OFFICE  
COMMERCE AND  
CONSUMER AFFAIRS

Mr. Recktenwald, Aloha:

As a trustee of PBS Hawaii I am writing to preserve our level of financial support received from the cable franchise fee. PBS Hawaii provides programming which serves community education and advancement.

Having recently evolved from the state womb, we are an organization still in its infancy, staring at formidable financial needs for digital conversion, new studio facilities, as well as production of more local programming.


PBS Hawaii serves our community from 'opio to kupuna.

"When the lights go out, the whole world is enlightened."

Aloha,



Robert Ozaki



Cc: M.McCartney

Robert M. Rees

[Redacted]

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

phone: [Redacted]

fax: [Redacted]

e-mail: [Redacted]

RECEIVED 2003-181

Aug. 26

SEP 2 12 27 PM '03

2003 AUG 29 P 2:40

Mr. Garrett Kashimoto  
Mr. Mark Recktenwald  
Mr. Clyde Sonobe

A... E

FIIZ...

DIRECTOR'S OFFICE  
COMMERCE AND  
CONSUMER AFFAIRS

Cable Television Division  
Department of Commerce and Consumer Affairs  
1010 Richards Street, 2nd Floor  
Honolulu HI 96813

Dear Messrs. Kashimoto, Recktenwald and Sonobe:

Thank you for taking the time to gather input from the community concerning PEG access in Hawaii.

Attached is the testimony I submitted on Aug. 25, 2003, at the Queen Liliuokalani Building. If you have questions or comments on it, or would like to discuss it, I would be pleased to do so.

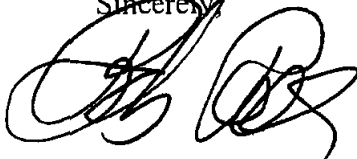
I hope you gathered how strongly the community feels about Olelo and how positive most of the community is about its services and governance. It has been a real exercise in democracy, and is getting better.

I noted with interest how even the two witnesses who complained of being "frozen out" from Olelo were at that very moment being broadcast by Olelo to the entire community. One of those two witnesses, Mr. Jeff Garland, has been invited on three occasions to appear on the facilitated production in which I participate, Counterpoint, and has declined even while complaining about not being heard. In addition, he is free to launch his own program.

I hope also that you will pay particular attention to Chapter 92F of UIPA and how it is being used to harass, intimidate and chill freedom of speech of producers, volunteers and employees at Olelo. It ought to be nobody's business why a particular broadcast or program selects certain topics or guests.

Thank you again for your efforts.

Sincerely,



Robert M. Rees

**Testimony to Cable Television Division  
Department of Commerce and Consumer Affairs  
Plans for PEG Access**

**August 25, 2003**

Robert M. Rees  


My name is Bob Rees, and this is to offer testimony to the Cable Television Division of the Department of Commerce and Consumer Affairs on questions raised by the DCCA regarding its role as designated Local Franchising Authority (**LFA**) for Public, Education and Government Access Television in Hawaii.

I have been involved with Olelo **in** two facilitated productions, the weekly public affairs program Counterpoint and also the series **of 44** live one-hour political debates among candidates we did last September and October as part of VOTE 2002.

I am by no means an expert or even well grounded in the issues confronting the DCCA, so this is to address only a few of the major points.

**First, your Issue #1, an expanded role for counties, and particularly the key threshold question of whether and to what extent the state should be responsible for access matters and cable TV regulation.**

The **DCCA** has done a good job, without interfering in the freedoms of PEG, in regulatory, negotiation and advocacy activities. In a state the size **of** Hawaii, there's nothing wrong with statewide regulation and a lot that's good about it, including the elimination of superfluous spending and bureaucracy.

One variation to the current structure might be for the DCCA to relinquish board appointment authority to the four non-profit boards. Sufficient oversight **of** funds can be retained through annual reporting and contract renewal. In addition the DCCA should be represented on each board in an ex-officio role.

Among other things, this change might serve to overturn the recent opinion of the Office of Information Practices that it is the DCCA's board appointment authority which makes the Uniform Information Practices Act applicable to the private and non-profit PEG access organizations. As we shall see, some of the Chapter 92F requirements of UIPA are not only unduly burdensome but dangerous to the primary purpose of public access—the expression of unscrutinized and unmonitored thought.

**Related to the above, I'd like to address your Issue #4, Financial Resources.**

Before reallocating resources and percent of gross revenues, you ought to evaluate from a zero-based view what each county is doing now and what the real needs, if any, are. After all, each county now receives funding as a percent of gross revenues for the specific

county where fees are collected, so there is some proportionality. What may be missing, particularly for Kauai, is a critical mass necessary to overcome inertia.

When the DCCA inquires about “sustainability” and asks how PEGscan continue to provide current services while planning for additional benefits, there is an assumption there ought to be additional services. That may not be the case.

**Also**, we might ask why \$1.5 million, one percent of the **gross** revenue, should go to the Hawaii Public Television Foundation. That’s as much as goes to the public access organizations of Kauai, Hawaii and Maui combined.

**Next, I’d like to address what I think are two related issues, #14 on C-Span for Hawaii and #16 on “Production versus Facilitation.”**

More civic affairs coverage can in fact come from facilitated production, and there is no need for an additional, separate and independent non-profit entity to produce and distribute more public affairs programming. It can be done quite nicely with "G" access now available.

Olelo’s VOTE 2002! Program, including the 44 live one-hour debates televised on 44 consecutive weeknights, was a facilitated production, and was a classic example of C-Span type coverage.

When we conducted the 44 live debates on Olelo that provided access to nearly every interested candidate who wanted to debate his or her opponent, the series was well watched and widely applauded except by two producers who complained that providing this access to otherwise unexposed political candidates was taking one-hour a day on one of Olelo’s 5 channels--one of 120 available daily hours. Maui Community Television, perhaps in its attempt to obtain some of the funding that goes to Olelo, actually opined that these debates for otherwise unexposed candidates were getting in the way of public access.

Yet, it was this same series of debates that was applauded by a national publication devoted to public access.

Now, as to the question of what is called “Production versus Facilitation,” it’s a false dichotomy. Both can and should co-exist if the concept of public access is to fulfill its potential. Public access television provides not only access to speak, but access to hear.

The facilitated production I am involved with, Counterpoint, is a good example. It is a weekly show that has 150 shows under its belt. Because of the quality and variety of its guests, it is considered by many to be the best public affairs program on all of Hawaii television. Each week, it devotes a full hour to people and topics like:

U.S. District Court Chief Judge David Ezra.  
Leading Legislators from both political parties.

Representatives of the Libertarian Party.  
Representatives of the Americans for Democratic Action.  
The Bishop Estate Trustees.  
Leading writers and artists in Hawaii.  
Republican state Senators Sam Slom, Fred Hemmings and Gordon Trimble.  
National figures, including Michael Dukakis, Anthony Lewis of the New York Times, Ralph Reed of the Christian Coalition, Jay Alan Seculow of American Center for Justice, national president Nadine Strossen of ACLU, NYU Professor Sylvia Law, Barbara Lee Coombs Lee of Oregon's Death With Dignity, comedian and political activist Dick Gregory.  
Haunani Apoliona, Professor Lilikala Kameeleihiwa, Bill Meheula and Clyde Namuu on ceded lands.  
Honolulu City Council.  
Representatives of Office of Hawaiian Affairs.  
Senator Daniel Inouye.  
Waiahole Ditch Water Case.  
Senator Daniel Akaka.  
The Young Republicans.  
Professor Jonathan Osorio of UH Center for Hawaiian Studies.  
Pro-choice Groups.  
Pro-Life Groups.  
Native Hawaiian Legal Corporation.  
Autism Society of Hawaii.  
U.S. Attorney's Office.  
Immigration Rights and Public Interest Legal Center.  
Department of Public Safety.  
Professor Lilikala Kame'eleihiwa of UH Center for Hawaiian Studies.  
United Public Workers Local 646.  
Department of Hawaiian Homelands.  
Abdul-Rashid Abdullah and Zaik Shakir of the Muslim Association of Hawaii.  
State Foundation on Culture and Arts.  
Two governors of Hawaii.  
African-Americans and political power.  
UH Professors Opposed to War.  
Latino Life in Hawaii.  
Nature Conservancy.  
Kanohowailuku Koko on Hawaiian entitlements.  
Mental Health Coalition.  
Bamboo Ridge and Asian-American literature.  
Wendy Jones on being disabled.

Over just the next eight Sundays on Counterpoint you will be able to see:

Aug. 31: An on-air meeting of the Libertarian Party

Sept. 7: Four members of the Democratic Party (with six Republicans to follow on Oct. 18.)  
Sept. 14: Professor Jonathan Osorio on his new book, Dismembering Lahui.  
Sept. 21: Debate on Affirmative Action.  
Sept. 28: Honolulu City Council (5 members).  
Oct. 5: Honolulu City Council (4 members).  
Oct. 12: TBD  
Oct. 19: UH President Dobbelle.

Each of our shows, by the way, invites viewer participation via e-mail. Each show invites people to appear to broadcast a brief editorial. Most recently, for example, Senator Fred Hemmings appeared to offer a two-minute rebuttal to something I had said about support for culture and the arts, and he was followed by our regular show, one on the Hawaii Institute for Public Affairs.

Each of these shows requires about two days of research and two-four hours in logistics and confirmations by the moderator. Without the help of facilitated production, Counterpoint could not be done.

**Lastly, I want to make some observations that ought to be of concern to you.**

Some of these observations relate to your, Issue #8, Cooperation and Collaboration Among PEG Organizations and the lack thereof.

Of late there has been a concerted lobbying effort by a few people to somehow dismantle and discredit the Olelo operation on Oahu so as to make more resources available to other operations. This effort, led primarily by Akaku or Maui Community Television and using primarily Mr. Jeff Garland as a stalking horse, has set out to harass Olelo.

I am referring, for example, to the undisclosed recording of phone conversations with Olelo volunteers and the replaying of those phone conversations on the Internet.

I am referring to an unscrupulous use of the Uniform Information Practices Act to harass employees of Olelo. One employee estimates that nearly one-third of her time is now spent trying to respond to nearly daily requests from one but individual.

My personal advice to Olelo has been to turn over all requests for information to an attorney for screening on legitimacy and to raise with this the DCCA and the Attorney General's Office the illegal harassment of a non-profit operation.

One other comment on the misuse of the Uniform Information Practices Act. It comes precariously close to outside interference with those who use public access. For example, volunteers and some who work for Olelo have been peppered with questions about programs and production. The theory of public access is that outsiders ought not to have

access to the thinking that goes into each production. Chapter 92F of the **UIPA** ought to be amended so as to protect the free expression of speech PEG is meant to encourage.

In short, this testimony is a plea that the Cable Television Division of the DCCA not make any determinations based on the highly vocal complaints of a few who have a hidden agenda—more money and control of programming.

As you know, we have a tendency in Hawaii to **fix** the wrong things.



DANIEL K. AKAKA  
HAWAII

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141 HARRIS SENATE Office Building  
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# United States Senate

WASHINGTON, DC 20510-1103

COMMITTEES  
ARMED SERVICES  
ENERGY AND NATURAL RESOURCES  
GOVERNMENTAL AFFAIRS  
INDIAN AFFAIRS  
VETERANS' AFFAIRS  
SELECT COMMITTEE ON ETHICS

August 11, 2003

RECEIVED

2003 AUG 18 A 8:15

2003-32

Mr. Mark E. Recktenwald  
Director, Department of Commerce & Consumer Affairs  
State of Hawaii  
1010 Richards Street  
P.O. Box 541  
Honolulu, HI 96809

Dear Mr. Recktenwald:

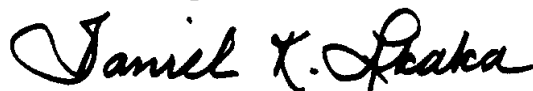
Thank you for providing me with a copy of the Hawaii State Department of Commerce and Consumer Affairs' (DCCA) notice of public comment meetings regarding the Statewide Cable Television Access Plan.

I am pleased that DCCA is requesting public comments on the State's plan for cable television Public, Education, and Government (PEG) access. PEG access empowers individuals and groups to use the media to educate and enrich their communities. As media consolidation continues to grow, the role of PEG access is more important than ever. Diversity and localism have been the central goals of the federal government to ensure that the public, particularly its varied groups, is able to produce and show programs promoting different cultures. In addition, educational opportunities are enhanced by PEG access that allows distance learning for students who are unable to travel to educational institutions.

It is also important to note that government access channels are, without question, an important exercise of self-governance. For example, C-SPAN has allowed individuals across the nation to watch and comment on legislation that is being considered by the United States Congress. The same is true for local public access channels for local governments. I believe that allowing individuals to observe their local governments in action is an important and vital democratic tool.

Once again, mahalo for informing me of the DCCA's public comment meetings that will be held throughout the State.

Aloha pumehana,



DANIEL K. AKAKA  
U.S. Senator

2003-131



"Tammy Long" [redacted] on 0910312003 03:02:32 PM

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

Subject: Comment on issues PEG access in Hawaii

Department of Commerce and Consumer Affairs - Cable Television Division

To whom it may concern,

Thank you for taking the time to learn more about Olelo and the needs of the various Oahu communities. We are grateful to be able to serve the community members that use our services in the rural areas, as well as, more populated areas. I'd like to address several issues in the DCCA document, #7 Greater Community Participation and Issue #16 Role of PEGs.

One size does not fit all, we have a range of comfort levels in regard to production. Some individuals or organizations with a message need different levels of service. Our monthly training sessions include producer, camera, and editing class. We also offer facilitated production or "open mic" services to help those who do not have time to take class and need to educate the community on a non-profit topic. I'd like to read a portion of a statement that the MS Society sent to me in support of our facilitated production.

"Community In Touch gives us an opportunity to educate the public about multiple sclerosis, how it affects people with MS and their families, and what the National Multiple Sclerosis Society is doing to help people throughout the State. There are 700 people with MS in Hawaii, and although we have had some publicity about MS, our fund raising events and client programs over the years, many people still do not know what multiple sclerosis is...or they confuse the MS Society with other organizations. Community In Touch allowed to talk about a variety of topics. We are truly grateful to have been able to participate in this program and hope viewers will have a better understanding of MS and and the National Multiple Sclerosis Society. "

Lyn Moku  
Director

National Multiple Sclerosis Society of Hawaii

This organization has over 700 families they serve and only two people in their office. To educate the community through public access they could not afford staff time for classes and needed help with the technology. Olelo at Kahuku was able to provide technical assistance through facilitating this project.

Strong community partnerships are helping us build community through media. For example: we are striving to bridge the students at Kahuku High with students at Waialua High School to participate together in learning about media literacy and production during community events. The students from both schools have the opportunity to get certified on Olelo equipment through the Kahuku satellite. We are working with the North Shore Neighborhood Board, Empower North Shore Oahu, and Xoolauloa Education Alliance Corporation to provide more opportunities for students to participate in community through

video production.

I make these points because when it comes to public access one size does not fit all. Please consider the different needs of the Oahu public and various communities. The Kahuku satellite is providing services and opportunities for this community who lack resources . We are proud to help the Kahuku High school educate students about community through media and serve the residents. Principal Lisa DeLong mentions that "when we needed to get a message out about budget cuts that threatened our local hospital, the only facility of its kind for miles, Olelo helped a group of organizers develop a video that underscored the importance of access to a hospital in a rural area, She also mentions that, opportunities at Olelo also helped students find a niche, build media literacy skills and be more marketable in any career field. Laet, we wanted to highlight some of the activities with which our community takes pride and share our successes with people who don't live in our area. "

When thinking about allocating Oahu dollars these rural communities could be neglected.

We are confident that with the knowledge of what Olelo provides the community, you will make good decisions for Olelo and the residents of Oahu. Thank you for creating this opportunity for Oahu residents, Olelo clients and the Oahu viewers to bring the needs of Oahu Public Access to your attention.

Tammy Toma

Manager Olelo at Kahuku  
[REDACTED]



Mel [REDACTED] on 09/03/2003 11:30:32 PM

2003-147

To: cabletv@dcca.hawaii.gov

cc:

Subject: **PEG** TV Comments/Testimony

The following text file is my comments to the **16** point plan outlined in the DCCA PEG Access discussion. This mailing consists of this plain text file and the attached **PDF** copy. Please do not publish my email address. **Thank** you.

-----

September **4, 2003**

Dear **Mr. Recktenwald &** Members of the Cable TV Division,

The following are my thoughts and comments relating to DCCA **Plan** For Public, Education, and Government (**PEG**) Access. I will address some of the points brought out in **the DRAFT FOR COMMENT** that was published last month. I understand the deadline for public comment is September **5** and comments **are** accepted via email.

I **am** addressing **this** issue strictly **as an** individual that has a passing interest in **the** cable and broadcast TV industry. I also publish a website called the Hawaii **Radio &** Television Guide (hawaii radiotv.com) and feel compelled as a paying cable **TV** subscriber to offer my comments.

That said here are my comments.

**1. Expanded Role of Counties for Cable Regulation**

My current opinion on **this** is to keep the current framework of regulation the way it is, within the State's regulatory sphere and administered by the DCCA.

**2. PEG Board Appointee Process:**

I favor 3 of the proposals outlined in the plan. **In** no particular order:

\* DCCA and Cable Operator in each county appoints the board. I have **no** problem with keeping things as is and a the current ratio of DCCA and operator appointed members.

\* I like the option of open appointments by various entities, though I would not support having too many appointees coming from the legislative and executive branches of **both** the state and county governments. Perhaps scenario that favors content producers and viewers should enjoy a majority on such a board. For example on a 9 member Olelo Board:

- 2** Members from **the PEG** Access Operators (Olelo in **this** case.)
- 2 Members representing the local program producers

- 1 Member representing the viewers and/or cable TV subscribers
- 1 Member from the State; perhaps the DCCA person
  - 1 Member from the Cable Franchisee (Oceanic Time/Warner)
  - 1 Member from County government
- 1 Member from the public education sector

\* I like the 5th option for the establishment of public and producer input. I feel the public and the producers need more of a say vs. what the facilitators (Olelo) think the public wants.

I am against the self appointed PEG Boards because that can probably lead to cronyism (though there is no guarantee other options won't).

While I like having the boards elected I would be against this because the general public would a) not know most of the people running for the seats b) not understanding most of the issues c) not participating in the election. Also I would think the cost of doing an election would be expensive especially if a paper ballot were required. I certainly won't want to see an increased cable franchise fee go to cover the additional cost of an election.

3. Cable Advisory Committee: I think the Governor should appoint the new members and reinstate this committee. If necessary the role of the committee or its size should be amended by the legislature.

#### 4. Financial Resources:

Here are my 2 comments on this matter.

1. Hawaii Public Television should not get any portion of the cable franchise fee. They are an over the air entity that is supposed to be self-supporting now. Hawaii Public TV can do more on their own in relation to fundraising programs that they consistently hold. With the State's economy in such a dire mess, we don't need to be funding this private, non-profit broadcasting company with this hidden charge in our mandated cable franchise fee (a tax).

2. I am definitely against the redistribution of Oahu's cable franchise fee to be used for the funding of operations of PEG Access entities on the neighbor islands. I am not watching TV there. I am watching and paying for it here. If such a plan is implemented, the only thing I can see happening is a rapid rising of mandated cable franchise fees (tax). Definitely NO to redistribution of cable franchise fees!

The neighbor island operations have to learn to live within their means, just like anyone else. If they are not taking in that many franchise fees, then they are going to simply have to cutback on their operations or find another way to get funding. (Hello? This is television we are talking about...how about a telethon on neighbor island PEG operations to ask the public for donations to fund them. If the public think it is important, they should be given the opportunity to step up to the plate).

#### 5. PEG Channel Resources:

Olelo currently has enough channel resources to work with. In fact I don't think they are using the 5 channels they already have to their fullest potential. At this time I would be against allocating more channels to Olelo or any of the other PEG facilities mainly because it will only lead to increased cable franchise fees (taxes).

#### 6. Sustainability:

PEG Access entities should always be on the lookout for new revenue streams that are not mandated by the government... i.e. have telethons, sponsorships or other fund raising mechanisms. The cable franchise fee is enough of a government mandate to be levied upon subscribers.

PEG entities should also be prepared to deal with a possible downturn in cable TV subscribers should other technologies take off and plan appropriately (i.e. downsize). Consumers will always seek those types of services

that give them the most bang for their dollar.

#### 7. Greater Community Participation:

The only comment I **can** offer in **this area** is that Olelo and other **PEG** facilitators should inform the public that they can also **use** their own equipment to produce their **own** programs, **as long as it fits** into the technical and content requirements of a PEG program. For example, **I and some** of my friends already have access to **Mini DV** cameras, Macintosh computers that can edit and burn content to **DVD** or output it back to tape, etc. Technically, if I wanted to, I should be able to submit a program tape to Olelo without having to go through their training or **use** any of their facilities.

Currently I **think** Olelo is doing a good job with such programs **as Oahu Speaks** and Capitol Commentary where they give the regular Joe and Jane the opportunity to say whatever **they need** to say. I just don't like to **see** Olelo to go into more specific content creation beyond simply helping **the** public be on TV.

#### 8. Cooperation between PEGS. No comment.

#### 9. PEG By-Laws: The PEGS should follow their own by-laws.

**10. UIPA Section 92F:** I agree that compliance to the **UIPA Section 92F** can be burdensome, especially if one or **two** individuals take the law to the extreme. (re: excessive **records** requests & public dissemination)

#### 11. Daily Operational Procedures:

I **think** all PEG programming on all channels must be local in origin and content. I don't like the practice of Olelo airing satellite programming **of** the German **DTV** Network, ARTS Network or even NASA **TV** (though I like NASA **TV**, I **think** that should be part of a **service** offered by Oceanic itself). We **are** paying franchise **fees** to facilitate **the** creation and airing of local content. If there is not enough local content to fill the channels, **then I think the** channel capacity for **PEG** should be reduced (drastic) or that those hours where these programs now air be given over to re-running programming created by local producers and entities. **Remember** not all **of us** can **see** the local program content at every time scheduled.

Secondly I **think** Olelo ought to get out of the business of producing their **own** programs. The **service** I believe is for the general public to produce their own shows. There should not be any shows where a person such **as** an Olelo official is **the star and** producer of that show. Sometimes I **think** Olelo's **own** productions are given better time slots than those produced by the general public. **This** should end.

Lastly the NATV Channel's dedicated Hawaiian propaganda and Pacific islands focus should end. I **am** not advocating the end of these programs, but only the channel identity itself. All of those Pacific island **type** of programs should be spread out over the general interest channels.. perhaps create 2 general interest channels; the current **52** and make **53** more like **52** and **mix** all of the programming up. The **VIEWS** channel is OK, and certainly the more political of the Pacific Island programs **can** be aired on that channel.

I like the live airing of legislative sessions **and** hearings. The re-runs for the sessions should **occur** at least once in their cycle during prime time **so** that the public **can** have a better chance of viewing these.

Ditto for the City Council coverage.

**12. Development of Technical Standards.** I favor **this so** long that it does not completely shut out the independent producer.

#### 13. Connectivity of PEG Network to Time Warner Cable:

Just remember to keep costs low. Anything that greatly impacts cable franchise fees, I would be against.

#### 14. CSPAN Public Affairs for Hawaii:

I **am** against **this** idea mainly on the merits of increased costs for creation, operation, and maintenance of such a network. Our cable TV bills are already increasing at least every year. Having another entity to levy another franchise **fee** upon the public would probably put cable **TV** out of the reach by many. Also you may want to remember what you stated in the proposal on other delivery **systems**. **Who** is to say **that** after spending a lot of money in cable TV resources that the public doesn't gravitate to another delivery model, such **as** Wi-Fi? And **you** know the state, once they get into something, they **see** it **as** a **new** revenue stream, **and** our citizens **are** **just** taxed even more.

Next **thing** you know the **CSPAN** Hawaii entity will mandate **that** they also be carried on satellite TV, over the **air** (Wi-Fi or HDTV broadcast) and through the internet, mandating even **more** **fees** to go along with the increased services.

#### 15. Resolution of Complaints Concerning **PEGS** :

If **the** **DCCA** is the current sounding board to lodge **PEG** complaints to, then keep it **this** way for now.

#### 16. **PEGS** : Production vs. Facilitation:

As I mentioned earlier, **PEGS** such **as** Olelo should get out of the production of their own programs. The general public should be given the priority to produce their own programs and air them at **the** most desirable times. I **think** **PEG** was created mainly **as** a facilitation service for the public, not **as** a well fin a n c e producer of their own content.

Surely people **will** point out to such programs **as** the recent candidate debates hosted by Bob **Rees**. While these **mi** be worthwhile, I truly believe that programs such **as** these should be produced **by** a complete outside entities and not by Olelo itself.

**The** **only** **programs** that Olelo should produce is the simplistic **Oahu** **Speaks**, Capitol Commentary and the Community Bulletin Board. All the other slick and time consuming programs produced by Olelo **has** got to go. **The** community producers can better **use** the time and facilities.

**Thank** **you** for the opportunity for letting me voice my **concerns**.

Sincerely,

Melvin **Ah** Ching  
Cable TV Subscriber and concerned citizen



**PEG-Comments.pdf**

SEP 4 8 09 AM '03

A \_\_\_ E \_\_\_ I \_\_\_

FILE \_\_\_

2003-142

Cable TV Division  
Department of Commerce & Consumer Affairs  
State of Hawaii  
10 10 Richards Street. 2nd floor  
Honolulu Hawaii 98813

September 2, 2003

To Whom It **May** Concern:

This letter should **serve as written** testimony regarding the upcoming rule **changes** under consideration **by** the Department of Commerce and Consumer Affairs for 'Olelo: The Corporation for Community Television.

It **is my** understanding, **and** please **correct** me if **1 am** mistaken, that possible new rules might reduce **the** amount of **time** and resources 'Olelo provides **for** community co-productions, i.e., the contribution of **studio** time, technical personnel **and** equipment for individuals **or** groups **to** record **and** cablecast content **As both** a professional **user** of 'Olelo's services **on** many occasions, **and** a volunteer moderator of **the** "Live Aloha" series at 'Olelo's request I would like to emphasize the importance of **this** extremely **valuable** service which 'Olelo has provided over the **years**.

**Many** of **my** clients are non-profit **agencies**, state commissions or departments, or community-oriented **organizations** which need **to** publicize **critical** services **to** the broad population but have **no** budget to launch traditional, expensive media campaigns. I have found 'Olelo **to be an** extremely enthusiastic, valuable **and** willing partner in helping **to get the word out** for **many** of these **groups**. **Just a few** of the organizations **and** topics **who** have availed themselves of this service, **with** which I have been involved, are:

Hawaii Community **Health** Centers (**Health**Care for Low-Income)  
Hawaii Primary **Care** Association (Immigrant:**Health** Care)  
Hawaii Coalition on the Homeless (Resources for the **Homeless**)  
Hawaii Civil Rights Commission (**Housing** Discrimination **Assistance**)  
State Judiciary (**Jury** Duty/Judicial Accountability/Court **Information**)  
'Aha Punana Leo (**Education**/Hawaiian Language Immersion)  
Hawaii **International** Film Festival (**Culture & Arts**)



There are **many** others which I **could list** but these indicate a **good cross-**  
section of **the** community needs **which** benefit from 'Olelo's co-production  
program. **'Olelo is a way** of reaching large groups of people **who** need these  
services but a **r** not aware of **them**. I **would** be **truly** disappointed to see this **ital**  
service on 'Olelo's part be curtailed due to rule changes. There **is** currently **no**  
other television outlet for **group such as this** and **as our society is so visually**  
oriented, television continues **to be the** primary source of information across **all**  
socio-economic **groups**, many of **whom** are dependent important services **such as**  
those listed above.

**Please** consider the impact not **just** on the users of **this** service, but **or** the  
receivers and beneficiaries as **well**. I **would** be **happy to answer any further**  
questions **on this** topic and can be reached at [REDACTED] or [REDACTED] **Thank** You  
for **your** attention

Sincerely,

*Lynne T. Waters*  
Lynne T. Waters  
Lynne Waters Communications



"Amy Tamaribuchi" [REDACTED] on 0010412003 12:41:00 PM

2003-145

To: <cabletv@dcca.hawaii.gov>

cc:

Subject: 'Olelo-DCC Public Comment

Forwarding a client's written comment:

Client Inam Rahman, MD  
'Olelo Producer: Health Is Wealth

'Olelo plays a crucial role in helping to provide much needed information in almost every field. Being a community physician and an educator and 'Olelo Producer, I have had a great opportunity to educate the public about health screening, prevention of diseases, as well as other health issues, DM, Cholestraol, HYN, Osteoporosis, Heart Diseases,,,Just to name a few.

'Olelo has also provided opportunity to interact with legislature on health-related issues which has helped tremendously in exchange of information with and providing awareness to legislature about complexities of today's medicine.

As Health Planning Council for West Oahu and upcoming president of Hawaii Medical Association, I see 'Olelo a great medium and a tool to make a difference, by continuing to provide information to make them better from everyone in Hawaii.

Thank You  
Inam Rahman, MD  
[REDACTED]



[REDACTED] (Midgieann Wright) on 09/04/2003 01:20:56 PM

2003-145

To: cabletv@dcca.hawaii.gov

cc:

Subject: Testimony for 'Olelo

Aloha,

My name, as noted above, is Midgieann Luana Wright. Mahalo for granting me the time and this place to voice my testimony for 'Olelo.

My experience with 'Olelo has been one of the best things in my life since I had retired. I had retired early to be a caregiver and I know you are aware, being a caregiver is a 36 hour position with no pay. I am not complaining but I had needed an outlet for myself to do something I would love and at the same time, give back to my community where I had grew up. That community is Papakolea. The very first thing I had done when I had retired in February of 2001, was to volunteer to work with the Kupuna of Papakolea in March.

I had always believed and heard the stories of our Kupuna are very precious and it should be preserved. The Kupuna of Papakolea had proved that was true. They all have great stories to tell.

I had done many other volunteer work in Papakolea and elsewhere but never found something that I had loved and enjoyed doing, other than working with the Kupuna until November of 2001. 'Olelo had advertised that they were having classes-FREE-on how to do interviews, operate a video camera and how I could help with editing/producing for a show called Hali'a Aloha Hawai'i, which means Precious Memories of Hawai'i. My sister and I took these classes and our very first show, which had aired on 'Olelo, was of our mom. I cannot speak for my sister, but for me, I thought I knew everything about my mom but was very shock to learn many new things about her and how she grew up, way back when. 'Olelo had given me this fabulous opportunity which I would never have had otherwise.

Since 2001, my sister and I have done 5 interview with Kupuna, 3 from Papakolea and 2 from elsewhere.

Again, I cannot speak for my sister, for me at this point, I am trying to get my own camera so I can do more interviews with many other Kupuna, hopefully, still to work with 'Olelo in the Hali'a Aloha Hawai'i program. There is another project I am excited about coming up, outside of 'Olelo, to do interviews with our Veteran's. Maybe the coordinator for that project can work something out with 'Olelo. I did tell him to try. I do know the stories of our Veteran's are also very important. Again, without 'Olelo, I wouldn't have this passion to do more.

Because I have had the great pleasure of working with 'Olelo, I often find myself surfing back and forth to catch many other show on 'Olelo of events I wasn't able to attend, either due to no time, no transportation and no monies.

I am a great believer and supporter of 'Olelo and I hope you will provide them with the financial resources to continue their work. Mahalo.

Malama Pono,

Midgieann L.

.ght





Barbara Mathews [REDACTED] on 09/04/2003 02:20:36 PM

2003 46

To: cabletv@dcca.hawaii.gov

cc:

Subject: Olelo Testimony

Olelo Community Television facilitates a collaborative effort of peer to peer media communication.

Classes are composed of students with personal agendas who become friends and collaborators of televised entertainment, academic or politically oriented productions.

Producers and crews are personally motivated and governed by each other to provide peer viewers and the general public with honest and comprehensive coverage.

Olelo televised cultural and political issues reach a larger audience, eliminate expensive HPD, Fire & Emergency services for crowd control, traffic/parking problems and potential verbal/physical altercations commonly seen at public demonstrations.

Cultural productions ie Merry Monarch Festival etc reflect and generate personal associative pride and enjoy longer air time on Olelo.

State and Federal law provide options to seek judgment at trials through communication to and deliberation among a jury of ones peers.

Olelo improves upon that format by facilitating mass peer and public communication.

No one is turned away - anyone can tune in.

Do we really want to know how compromised peer representation and forums will affect community awareness, cohesiveness and conflict resolution?

Respectfully,

Barbara W. Mathews,  
Certified Olelo Producer



Laurie Veatch [REDACTED] on 09/04/2003 04:56:20 PM

2003-148

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

Subject: dcca\_peg\_plan

Attached are my comments on the draft plan for PEG.  
<<DCCA Plan for PEG Access.doc>>

Aloha,  
Laurie Veatch  
Legislative Analyst

[REDACTED]  
[REDACTED]  
Office of Representative Marilyn Lee



- DCCA Planfor PEG Access.doc

DCCA Plan for PEG Access  
August 25, 2003

**Laurie Veatch**  
[REDACTED]  
[REDACTED]

I have taken most of 'Olelo's excellent classes. Currently I shoot, edit and produce a talk show type series on 'Olelo focussed on getting to know our state legislators and legislative issues.

Regarding **ISSUE #2**, Governance - PEG Board Appointment Process, I favor your draft "option 4. election by PEG constituents." PEG programming is intended for the public and by the public. Public participation would be enhanced if viewers or cable subscribers—as well as producers (and perhaps others) elected the PEG Boards.

Option 5. "establishment of a mechanism for public and producer input," is also desirable. This should be implemented whether or not option 4 is adopted. When a member of the public, or a producer, cares enough about an issue to bring it to the attention of the Board, the person should receive a fair hearing. Public input broadens the stakeholders' interest in PEG programming and can bring new ideas to the attention of Board members. Producer input helps keep the facility and the programming relevant to the needs and aspirations of producers. When producers feel shut out of decision-making, they may become disheartened and stop producing.

Regarding **ISSUE #4**, Financial Resources: collect the full 5% allowed for **PEG**.

Concerning **ISSUE #16**, the Role of **PEGS**: Production versus Facilitation, I believe this is a growing issue. I hope the Department of Commerce and Consumer Affairs and 'Olelo will be able to achieve a difficult balancing act that allows some 'Olelo produced programming while giving facilitation of independent productions highest priority.

Some 'Olelo produced programming has pre-empted independent programs with regular time slots. The public continues to need a focus on facilitation for individual producers as 'Olelo and other PEG facilities have provided with excellence in the past.



"LorraineFaithful" [REDACTED] on 09/04/2003 05:02:02 PM

8003-9

: <cabletv [REDACTED] . ov>

Subject: Support of Olelo

Sisters Offering Support (SOS) strongly supports Olelo and wishes that it continue its services to the Hawaii community.

SOS is a non-profit agency combating the commercial sexual exploitation of women and children in Hawaii. We have nine programs addressing the prevention of youth from recruitment into the sex trade, the education of our community about the problem we address, and intervention support services to individuals who have been victimized by the sex trade. SOS has had several opportunities to air our programs, our mission, and the problem of commercial sexual exploitation through the Olelo program and it has been an effective method to raise awareness to thousands of individuals watching on TV. As a non-profit with limited resources, we depend on the assistance of programs such as Olelo. We strongly feel that Olelo continue to provide their programming in Hawaii.

Thank you,

Lorraine M. Faithful  
Executive Director  
Sisters Offering Support

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



 on 09/04/2003 06:23:03 PM

2003-150

To: <cabletv@dcca.hawaii.gov>

cc: 

Subject: Response Letter Regarding Proposed Changes to Hawaii's PEG Access Plan

To Whom it May Concern:

Attached is a testimony in Word 2000 format for your review. This testimony is in response to your proposed changes to Hawaii's PEG Access Plan.

Thank you for your consideration.

David F. Husted





- Olelo support letter.doc

September 3, 2003

Cable Television Division  
DCCA  
1010 Richards Street  
2nd Floor  
Honolulu, HI 96813

Regarding: Proposed Changes to Hawaii's PEG Access Plan

To Whom It May Concern:

My name is David Husted. I am a certified Producer at Olelo Community Television. I produce the television program, Mystery of the Cross, and I am Executive Producer on the live-to-tape television program, Back to the Cross.

As far as Community Access Television Stations rate, Olelo is rated second in the nation. I feel that any changes made with how monies are distributed, by whom monies are distributed, or how the normal operation procedure with which Olelo currently operates, would only disrupt and decrease their overall national standing. By national standards, Olelo already operates on 1% the fees of the allotted **5%** that are mandated for the Community Access Television Stations, as opposed to the **5%** or more that other national Community Access Television Stations operate on.

I believe that the rest of the population of Hawaii, outside of Oahu, should have the same opportunities with Community Access Television as we do here on **Oahu**. Maybe this is where a majority of the remaining **4%** mandated for Community Access Television can be used.

Often when monies are handed over to an agency, department, or organization to manage and those funds are later redirected to another agency, department, or organization, the second party does not share the same vision and the monies can become misdirected. We have a saying that to many cooks in the kitchen spoil the soup. If we disrupt what is now an example to other states in our nation, we may lose all that has been built up over the years. Hawaii may then fall far down in the national average ratings. Hawaii deserves to get the recognition of Olelo being rated second, and should a little more of the **4%** of the funds not currently being used, be freed for its use, become first in the nation.

If there is a hidden agenda to silence any or all of the community then changing, limiting or doing away with facilitated programming is a **good** start. The facilitated programming gives those people that may not otherwise have any other way to be heard a chance to be seen and heard. If the goal were to improve the community access Television, then my

suggestion would be to listen to those people that have the responsibility of making it work. First would be the staff of Olelo and second would be the certified producers and third would be the certified volunteers.

In the three plus years that I have had the opportunity to work on and produce television programs, the staff of Olelo have allowed me to do and accomplish things that I would have otherwise had no way to do. Because I am involved with a small ministry and everything we do is through volunteers, we have no budget or allotted monies. Olelo made it possible for our volunteers to go through their classes through a waiver program created just for organizations such as **ours**. Olelo has made it possible for **us** to get our programs out to the public in the most effective manner whereas we would never be able to do this through standard television. Olelo has made it possible for the community to reach out through their first amendment right of free speech through television over the entire state of Hawaii. Olelo makes things possible.

In my opinion, the staff at Olelo has, by far, surpassed what would be considered reasonable for training, helping, and working with their clients at Olelo. With every request, the Olelo staff have not only helped with the various things clients need help with, but went the extra mile to ensure that in all matters, their help was effective and problems were solved. I have seen, only on a very few occasions, clients that were not satisfied with the way things work at Olelo, but I have never seen Olelo **staff** respond in any way other than helpful, patient, courteous, and compliant. With as many clients as there are to please at Olelo, I don't know how the staff has managed to do it, but the majority of the clients are, indeed, very satisfied.

When Thom McGarvey and Wayne took the challenge to reorganize the programming structure at Olelo, they made the extra effort to communicate with the clients through "Block Parties". There were a few that were dissatisfied with how the program worked, but the overall majority realized that the structuring was needed and that the regulations involved were fair. Those that were initially troubled by the new structure were given extra help. Some brought up valid problems that were addressed in these meetings, and although not all were satisfied, initially, it was understood that Thom and Wayne would continue to work on the problem areas. For the most part, those that did any complaining after these "Block Parties" were usually those that did not want to comply with the regulations.

In personal experience, I had a hectic schedule for the day of a shoot and the evening before I called in to see if I could pick up my reserved camera late that evening instead of the next morning I was told that all cameras were out and none were expected before the next morning. A short while later, Tony called me back to say that a camera would be returning early, if I could pick it up at 9:00pm that evening. When we have had trouble with equipment on a shoot, it has been our experience that we can call anyone in the media center and they are not only helpful, but also very knowledgeable and able to help with even the most complicated problems.

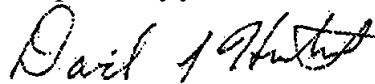
No matter who you are, the client counselors always stop to say hello, or acknowledge your presence. They have extended themselves in every way to see that the clients' needs are met. Even when they have had to log a 6 month backlog of Volunteer Voucher forms.

I am fortunate, and have a home editing system. But, I have found that on the occasions when I have had to reserve an editing bay or the studio, that the staff makes every effort to work with my schedule. Olelo has recently switched over to a **DVC Pro** only format and made transferring stations available to transfer the clients' format of choice to DVC Pro. Remarkably, this was done relatively smoothly and with very little disruption to the programming or clients.

Olelo is able to operate in this manner because their staff is dedicated to working with the public and serving our community. The staff seems not to view the clients as clients, but as family.

In closing, I would like to make a suggestion. Recently, I have had problems with Dell Computer Corporation in getting support over the phone, for my system. **So** when I finally got a hold of a customer service agent, I challenged them to personally use the same protocol as a customer has to, in order to reach and deal with Dell **so** that they would see for themselves where they fall short. I would urge you to try the same. If you feel that Olelo needs changes, try their program out personally and find out for yourself just exactly how it works and how effective it is rather than take the recommendations of a very small minority of people who complain about how Olelo works. **As** a client, I have done just about everything there is to do at Olelo with just about all of the staff of Olelo and while it is true that you can't please everyone all the time, somehow the staff at Olelo seems **to** have found the formula to meet the needs of most people in a very satisfactory way.

Respectfully yours,

  
David Husted

2003-15



[REDACTED] on 09/04/2003 09:43:26 PM

To: cabletv@dcca.hawaii.gov

cc:

Subject: Public comment on statewide cable television access plan

Dear Chairman and **staff** of the Cable Television Division,

I'd like to submit my support for allowing Olelo to continue to do what they are doing now, if not more. **As** one of the producers **of** a weekly series, Hawaii Okinawa Today, I have **seen** constant improvement in the personnel and facilities over the last five years. **Our** involvement with Olelo **started five years** ago. The **training** we **got** was top notch. The Olelo **staff** has worked hard to maintain the delicate equipment.

Thank you,  
Ronald Miyashiro

[REDACTED] on 0910412003 11:28:33 PM

2003-152

To: <cabletv@dcca.hawaii.gov>  
[REDACTED]

Subject: Regarding Proposed Changes to Hawaii's PEG Access Plan

To Whom it May Concern:

Attached is a testimony in ~~Word~~ 2000 format for your review. This testimony is in response to your proposed changes to Hawaii's PEG Access Plan.

Thank you for your consideration.

Mark Helmberger  
Olelo Volunteer Producer  
[REDACTED]



- Olelo support letter 4.doc

September 3, 2003

Cable Television Division  
DCCA  
1010 Richards Street  
2nd Floor  
Honolulu, HI 96813

Regarding: Proposed Changes to Hawaii's PEG Access Plan

To Whom It May Concern:

My name is Mark Helmberger. Three and a half years ago I knew nothing about television production. To put a program on television was simply to impossible to dream of. Then I was introduced to Olelo Community Television. And Olelo, through training and encouragement, brought that undreamable dream alive.

In the past 12 months, I have contributed over a 1000 hours and worked over one hundred productions ranging from a bible study to a children's program to a town-hall forum on "ice" to a soccer game. Olelo has made it possible for me to participate in the Voice of Oahu, and not just for myself. Olelo makes the way for over four hundred producers, who have produced programs over a variety of subjects to vast to mention here. Olelo means voice and truly it has become the Voice of Oahu. It's a veteran providing information for a veteran. It's a baby boomer providing an exercise program for her generation. It's a tiny church proclaiming its message to the whole community. It's a satellite program in Waianae providing students an opportunity to dream for a future beyond that troubled community. Through Olelo, all of these people have gained access to television, something that would be utterly impossible without them.

Throughout my three and one-half years with Olelo, I have had the privilege of working with virtually the entire staff. I have found them to be pleasant, friendly, knowledgeable and encouraging. The attitude of the staff is that if you can dream it, we will help you make it a reality. Frequently that has meant long hours. Almost always it means extra effort. I have seen many of them exhausted but none of them unwilling to help. And, they have been providing this help despite dwindling resources.

Olelo's original charter was to include 5% of Oceanic Cable's net profit and 10% of the available channel space. Through legislation and administrative caveat, this pie has been cut to 3%, excluding modem access fees and limited to a total of 5 channels. In addition, there has been a 25% cut to provide for education. And now, there is a proposal to cut that pie even further. To further cut into Olelo's budget must mean that some of the Voices of Oahu will go silent.

Mr. Director, no one is arguing that the neighbor islands should have access to community television, but to take from Olelo's resources to provide that access not only is without precedent, but would require that cuts would be made that would silence some of the voices that concurrently contribute to the Voice of Oahu, Olelo. Who's voice will you silence? Will it be the RN with her time critical message that has neither the time nor the ability to produce her own program? Will it be the teenager learning about television production that may become Hawaii's Steven Spielberg? Will it be that satellite allowing the children of Waianae to dream again? Will it be the community fighting Hawaii's "ice" epidemic. Whose voice will you silence?

There's got to be a better way? If we return to the terms of the original mandate, funds will be available for use on the neighbor islands without even touching Olelo's limited resources. That's just one suggestion. Surely, there must be others. I urge you to reconsider the reallocation of any resources away from Olelo. I am sure from this letter and the hundreds of others like it, you realize that there are no unnecessary programs at Olelo. I might add that there is no unnecessary staff at Olelo, either. There is no surplus of funding available in the treasuries of Olelo. They have endured countless cuts, now there is nothing left to cut, without cutting out some of the Voices of Oahu.

In closing, I urge you to find another solution. Don't silence our voices.

Sincerely,

A handwritten signature in cursive script that reads "Mark D. Helmberger". The signature is written in black ink and is positioned above the typed name.

Mark D. Helmberger  
Volunteer Producer at Olelo



DCCA Plan for PEG Access

2002-104  
CABLE DIVISION  
CONSUMER AND  
COMMUNITY AFFAIRS

SEP 3 10 55 AM '02

A... E... I... S...

testimony  
Wendy Arbeit

Director Recktenwald

My name is Wendy Arbeit. I have been involved with public access for nearly a decade and am a strong supporter of what it should be doing. I agree with the need for a state-wide PEG access plan. I do not agree that this one will meet your stated goal of guiding the development and enhancement of their services. My point-by-point responses to the draft plan are attached to this statement.

Because of the absence of support for the public sector that CATV has shown over the years, this statement is directed mainly to you, Director Recktenwald. Moreover, I do hope that you will personally be reviewing all the comments the public has submitted, and not be passing them unread to CATV, as this will only perpetuate the dysfunction we have seen over previous administrations.

It seems to me that the current draft seems intent on two main changes to Hawaii's PEGs. One is to remove oversight by the public while continuing reliance on public funds. The other is to allow PEGs to reverse their missions from (in Olelo's case) promoting the creation of programs by individuals of the public to selecting and creating the programs themselves, Olelo's misnomer for this is "building community."

The only community Olelo was established to build was its own: a community of media-savvy thinkers who wish to communicate its thoughts and information to the larger Hawaii community. In that it has been an abject failure — with the complicity of DCCA. Olelo has done everything possible (for my short list see the 19 items identified in Issue #16 below to discourage and intimidate those individual clients who tried to use Olelo as it was intended. One proof of this is the statistic of how many people were trained and then left in great frustration soon thereafter. This high annual rate of turnover has continued unchanged over the entire 10-year life of Olelo.

It's obvious to anyone who's learned from history or even who has been paying attention to the recent media takeovers, that control of information is crucial for controlling the populace — whether we're talking about electing politicians, making people content with drone jobs (or two drone jobs), or buying SUVs. If people knew the real stories behind the paper fed to them by commercial news organizations, then entrenched politicians, utilities, and institutions could be in peril of being replaced. I believe this is why individuals have been frozen out of Hawaii access to be supplanted by safe, predictable non-profits enticed in with perks never offered to those poor "bait and switch public clients.

From the beginning DCCA has overseen this ongoing travesty. It has not executed its legal duty of insuring that Olelo carried out its obligations as spelled out in its contracts. DCCA has continued to select and support Board members that continued this travesty. Even with plenty of cause for removal of those persons, it chose to turn a blind eye.

Governor Lingle ran for election and was elected on a platform that called for an end of cronyism and a new beginning of an era of openness and transparency. To some extent she has been stymied by the Legislature. DCCA at this time has the opportunity to put her stated goals into action. You, Director Recktenwald, can call for a legislative audit of Olelo. It will make plain to you and to the entire community the claims put forward by the Community Television Producers Association and others over the years. With this audit you will be able to see the degree of misuse of public funds. You will see the many ways Olelo has deliberately mismanaged its operation (10 years is way too long to just claim ineptness and learning curve).

exist:

These are my comments on the August 25 hearing.

Director Recktenwald, I appreciate your saying that you would personally be reviewing the written comments.

It was an interesting crowd. ~~CE~~ the nearly hundred testifiers, not counting employees all but 5 represented non-profits and public school training productions. Did you wonder (as I did) why so many of the students and non-profits had the same **outline** for their testimony? that they apparently hadn't read (or even seen) the Draft plan, but all had the impression that DCCA was after Olelo's funding? that most of the Waianae people arrived at the same moment? You think there was a bit of special outreach, coaching, busing? Didn't you find it telling that despite figures showing a good thousand persons having been trained over the years, so few independent producers showed up and those that did had complaints?

I'd like to thank Olelo for making plain many of my assertions:

- special facilitation for non profits: All the non-profits spoke of receiving special benefits: Coble, for instance, said, "I was on one of those programs that was really produced by Olelo staff...the ones who are in-house all the time."
- poor service for individual clients: The 5 independents spoke of poorly maintained equipment and poor staff attitude (Hong), outright censorship and uneven application of access policy (**Curry**), programs being bumped (Veach).
- satellite centers mostly for education (not public — but I bet the budget shows it entirely for public) Administrators and users of satellite centers praised those centers' benefit to the schools (Kajihiro) and their dedicated use throughout the entire day-time and even on Saturdays (Rodriguez).
- the safe (non boat-rocking, self-centered) non-profit message: The only message they were intent on was the story of their own non-profits. They seemed to not even know or care about the level of Olelo's budget and its level vs. those of the neighbor islands when they were selfishly pleading not to share any of it. (I thought that a hypocritical attitude for charitable and social service organizations.)
- duplicity:

It was interesting that neither former Olelo Executive Director Richard Turner nor current COO Kealii Lopez identified their association with Olelo, that the new Palolo manager identified herself as such only at the end of her testimony (She began by saying she was "here to testify personally.") It should be noted that many of Turner's comments were directly opposite his earlier stated positions (both on and off the record).

I found Director Rochelle Gregson's misleading statements a concern. She alleged that the "board's primary responsibility is to fulfill and protect this [first amendment] free speech principal." Two things; First, it's not. It's "The specific and primary purpose of the corporation is to promote the creation, production and cablecasting of programs by, for and about Hawaii." Second, how can Olelo protect the free speech principal by selecting certain messages (its own and those of non-profits) and discouraging others (those from independent producers)?

Mike McCartney said "I stand ready to work with you and other partners that receive franchise fees." To me programs in the public interest, such as pre-election panels, would be more appropriately done by PBS Hawaii than Olelo and would be an appropriate use of their franchise funding. It's inexcusable that KHET receives over half of its funding from people living here yet has next to no local programs. What's he "standing" and waiting for?

Robert Rees points to his shows at Olelo as examples of public-service programs not possible without Olelo staff. He's wrong there. 1) Such programs could be supported by competitive contracts or Olelo grants using only clients instead of paid staff. 2) In the past similar programs with equal production values were done by volunteers. 3) As a millionaire, prior to his affiliation with Olelo management, he paid for and conducted a television program on a local commercial station projecting, as his Olelo programs do, his partisan political agenda.

Following are some voices you haven't heard. They have been culled from unsolicited emails over the last year:

"My biggest complaint about Olelo is an attitude of "we don't give a damn what you think." ... I definitely qualify as one of the old-timers and I can tell you honestly the attitude was very different when I first started."

"I am thoroughly disgusted and find I am disinterested to the point of no longer caring because Olelo is so screwed up. I find it is no longer worth any more of my time. Soon I am going to research other ways to do and get programs aired outside of Olelo."

"Ever since I started this production at Olelo I felt discriminated against from your upper management! ... It is funny how some people at Olelo are treated more equal then others."

"I have something others with more longevity are not able to bring, a recent experience as a new producer, in this climate, under this administration, and, as such, see many areas of inconsistency in the operation and procedures expected of producers."

About the hearing: "Amazing how producers were so ingratiating to Olelo staff for simply doing their jobs that they are paid well enough to do, and for being satisfied with little crumbs."

"it is sad, but also is VERY REVEALING and demonstrates how effective our PEG access organizations have been in pushing the public out of public access."

## Comments on the Draft

### Introduction

"possible alternatives for change which have been suggested by various parties"

Glaringly omitted are those alternatives suggested by the public directly to DCCA. The draft is clearly not the neutral document it purports to be. It inappropriately bathes the Access organizations in a positive light, implying that perhaps a bit of tinkering around the edges is all that is called for. Director Recktenwald and CATV Administrator Sonobe, you have been made well aware of the many fundamental dysfunctions of some of the access organizations. We have pleaded for a Marion Higa management and fiscal audit so that the truth or absence thereof of our claims and access counter-claims can come fully to light, That this "option" was not included in the Draft calls into question the true intent of the document.

### Background

"On Oahu, 'Olelo has entered into a contract with the Hawaii Educational Network Consortium ("HENC") to be its Education Program Manager ... 'Olelo allocates twenty-five percent (25%) of its revenues from franchise fees to HENC to fund educational programs and services that are primarily cablecast on two of 'Olelo channels."

This implies that all educational programming is included in the 25% that goes to HENC. On Oahu Olelo has set up and supports (through equipment, staff training, and air time) "satellite" stations that are primarily used by public schools. These are not included under the HENC agreement and are not separated out of Olelo's budget from services to the public sector, thus muddying how much the education sector is really receiving (and how much the general public sector is NOT receiving).

### ISSUE #1: Expanded Role for Counties In Cable Regulation

"Currently, the State of Hawaii through the DCCA performs the regulatory functions pertaining to the cable television industry in Hawaii. Major activities include ... resolution of customer service complaints"

My understanding is that DCCA has not been adequately monitoring these complaints. For one thing it just turns them over to Oceanic. For another Kit Buret of Oceanic has reported that it has received millions in the same 10-year period that DCCA CATV has acknowledged only 30. Since CATV makes no attempt to merge these complaints, it remains intentionally ignorant of the complete scope of customer service complaints and their resolution.

The same can be said of complaints about access organizations.

"Cable Advisory Committee (CAC): The Counties could have a greater role in cable governance at the State level through representation on the DCCA's cable advisory committee."

This is a good idea, however, despite being mandated by law, the "DCCA's cable advisory committee" does not currently exist (except on paper) as the governor (neither this one nor the last) has not chosen any members.

### ISSUE #2: Governance - PEG Board Appointment Process

"Each PEG board is responsible for all financial and operational management matters, including the resolution of complaints from its producers and stakeholders."

When those DCCA-appointed directors do not resolve complaints (especially those that have been repeated for years and especially those having to do with financial mismanagement), the ultimate responsibility must be placed at DCCA's doors. Why is there no mention of what DCCA will do if there is no resolution or if infractions continue? Since Olelo's bylaws forbid granting access to its financial and operational matters (even to the DCCA), if they reflect negatively on Olelo, how is anyone to accurately gauge the board's competence without a truly neutral audit (an issue option absent in this document despite repeated requests for one directly to you, Director Recktenwald.)

Olelo has put into place successive vehicles for resolving stakeholder complaints. As each of those showed signs of achieving this end, Olelo dissolved it. Most recently Olelo has pointed to ASAC as representing producers. However, ASAC has finally made clear that their real obligation is not to clients in its recent clarification of its mission: "To Preserve, Promote, and perpetuate Olelo."

Why are contracts "automatically renewed" without a review of the nature and ultimate resolution of those complaints?

"The DCCA and the cable operator have the discretion to accept or reject the recommendation." (of board nominees)

Up to this point DCCA has rubber-stamped all nominees. In fact it even appears that DCCA participated behind the scene in creating this list. DCCA has made no attempt to assure that the slates represent a true cross-section as required by (Olelo's at least) bylaws. How will DCCA rectify this process in the future?

"A recent opinion by the Office of Information Practices ("**OIP**") stated that the DCCAs board appointment authority was a factor in OIP's opinion that PEGs were an agency for Uniform Information Practices Act ("UIPA") purposes. Some observers believe that this opinion has jeopardized the private, non-profit status of PEG access organizations and have argued vigorously for the board appointment process to be amended by removing the DCCAs appointment authority."

I'm guessing that the "observers" are the PEGs themselves. They want the public's money, but become defensive when the public demands to know how it is spending it. If they were doing what they should, would they object to oversight? Taking DCCA completely out of the process only makes sense if the present non-membership PEGs become membership based and that membership elects the board (which should happen to some extent even with DCCA still involved). For the current boards to become self-perpetuating only invites more of the increasingly questionable actions we have seen over the last decade. If PEGs want to free themselves of public oversight, then they should be freed of public funding and be replaced by organizations that are accountable to those they were established to serve.

About "jeopardizing non-profit status": The private, non-profit status is not more important than doing the job the PEGs were established to do. Also, I wonder why the "observer" feels that DCCA's involvement jeopardizes the non-profit status, but that PEG (Olelo, at least) participation in private contracting does not.

"The DCCA has historically believed that it needs to exercise oversight of the expenditure of these funds."

Unfortunately, historically DCCA CATV has not exercised this oversight. The public has for years called for this oversight and an independent audit of Olelo's management and finances. DCCA has ignored these requests.

"Proponents of change argue that the DCCA retains adequate oversight through the annual reporting and contract renewal process."

Unfortunately DCCA CATV has not exercised this oversight adequately either, as requests for the reporting documents required in the DCCA/Olelo contracts reveal that they are not tracked by DCCA and are allowed to arrive months late.

#### **Option 2: Self appointment by the PEG Boards**

Given the dysfunction of Olelo (at least), allowing boards to be self-perpetuating would insure discrimination, commercialization, fiscal irresponsibility, and general arrogance to continue.

#### **Option 4: Election by PEG constituents**

There should be some members of the public on every board who are freely elected and who are not beholden to the special interests that currently control board members.

#### **Option 5: Establishment of a Mechanism for Public and Producer Input**

"Some PEGs have established a process that allows public and producer input into their policy formulation and decision making."

Olelo will point to ASAC as such a mechanism. However, as watchers and former members will testify, ASAC has been so controlled by the Olelo board that it has accomplished almost nothing in its 5-year life. In addition, it has almost never reached out to public and producers for their input as it has been so consumed with tasks set before it by the board. If such committees are to continue, they must be entirely free of board control.

ASAC is only the latest in a string of advisory workshops and meetings. Although it has accomplished the least, it has lasted the longest. Therefore one can only surmise that window dressing is the true intent by Olelo for ASAC. (This was recently made clear by their defining their mission: To Preserve, Perpetuate and Promote Olelo."

#### **ISSUE #3: Cable Advisory Committee**

"It appears that the prior Administration believed that the CAC had been established to provide guidance during the formative years of cable regulation, and that it had outlived that role."

Interesting assumption. I would draw another conclusion, that members of the CAC would probably take positions at odds with the current administration, therefore it would be expedient not to have to deal with them.

#### **Option 1 : Appoint members to the CAC**

This should be done. All counties should be represented. Airfare should be budgeted from CATV's 1/2% allotment.

#### **ISSUE #4: Financial Resources**

**Option 2:** Should franchise fees be redistributed among the Counties?

Yes.

#### **ISSUE #5: PEG Channel Resource**

Additional channel criteria:

from page 2:

"The review criteria include items such as current use of channels in production, percentage of first time versus re-run programming, channel utilization by local producers, and other factors related to channel demand."

from page 9

"Statistical data illustrating the use of existing channels, types of programming being cablecast on each channel, statistics on channel programming that is first run versus re-run, percentage of first run programming versus re-run programming twice?, and percentage of time used for "bulletin board

Interesting that these don't completely match. Shouldn't they? Do they come from different sources? What? Why?

#### **ISSUE #6: Sustainability**

"... should PEG access organizations pursue other sources of funding through various methods such as solicitation of grants, private – public joint ventures, and traditional fundraising activities?"

No. There's enough funding state-wide if only the access organizations would just concentrate on their mission, which is to help members of the public to express themselves. We are seeing a degradation of this on Oahu where Olelo serves the Democratic party and certain non-profits to the detriment of the public. Olelo's current and increasing practice of producing its own programs costs more than facilitating the public to do their own thing. No PEG production is acceptable, whether up front or under the guise of facilitation (such as providing staff and trying to hide it—a frequent Olelo practice).

Another reason to not seek grants would be the obligation to commit to inappropriate goals.

PEGS should not compete with commercial businesses. Using tax monies to compete with private businesses is not acceptable (and probably in violation of the tax code for non-profits).

#### **ISSUE #7: Greater Community Participation**

"One of the primary goals of all PEG access organizations today is the extension of their services to all areas of their communities."

And where is this written? I just looked at Olelo's bylaws and it isn't there. What I did find is:

"The specific and primary purpose of the corporation is to promote the creation, production and cablecasting of programs by, for and about Hawaii."

So why would the PEG stations (or is it Olelo?) try this bit of revisionism? I think it's because the unwelcoming and badly run primary centers discourage the public from going there. So to bolster its numbers, Olelo (at least) must do something. One such shibai window-dressing approach is to pretend to extend service into "all areas". Actually the satellite centers extend services to education without calling it or budgeting it as such. Years ago the CTPA suggested that Olelo take a roaming production van to various communities and the many categories of residents they include. It chose not to take this truly equitable approach. Instead, it has taken the more costly approach of building studios for schools and for reach in only targeted communities.

#### **Remote Access Centers : ...**

"On Oahu for example, 'Olelo has implemented remote sites in Kahuku and Waianae. Although these are not fully equivalent to 'Olelo's main facility in Honolulu, they do provide easier access for residents in the Leeward and North Shore communities of Oahu."

These are tied up all day long by schools. At the very least it would be safe to say that DOE curriculum is given priority for a large portion of facility usage.

## **ISSUE #10: Chapter 92F / Uniform Information Practices Act**

(OIP opinion dated 09-06-02): Openness to the Public Records  
"All PEGs state that they comply with HRS Chapter 92F UIPA."

That this could be written without further comment is worrisome, as both the DCCA director and CATV administrator have been made aware that Olelo's bylaws are not in compliance with HRS Chapter 92F UIPA. DCCA is also aware that Olelo resists giving significant information at every turn.

### **Chapter 92F UIPA Options:**

#### **Option 1: Legislative modifications to amend requirements**

"Some of the Chapter 92F requirements may be unduly burdensome and/ or costly for non-profit entities such as the PEGs to comply with. Legislation could be proposed which would streamline these requirements as applied to the PEGs while still ensuring openness on the part of the PEGs."

Is it of no concern to DCCA that the PEGs find it "burdensome" to operating in a transparent manner? Why is it so eager to allow them to operate behind closed doors? Didn't this administration run on the platform of open government? Is the term "streamline" DCCA's or Olelo's? Can anyone really believe that Olelo could "streamline" and also operate in an open manner? And just what part of 92F could be eliminated without losing openness?

One more question, why there isn't an Option 2 calling for complete compliance?

## **ISSUE #11: Daily Operational procedures – responsibility of each PEG**

"Although the DCCA recognizes the unique needs of all four PEG access organizations, it strongly encourages the implementation of daily operational guidelines that address certain significant issues."

Olelo has guidelines — that it implements in a discriminatory manner. That includes programming, equipment availability, abiding by disclaimers and other paperwork producers must sign, and things political. DCCA CATV has been made aware of this whenever it occurs (which is frequent). DCCA has done nothing to date. What does it propose to do to insure that the PEGs carry out this "responsibility"?

## **ISSUE #12: Development of technical standards**

A uniform set of standards is most desirable

## **ISSUE #14 Programming (CSPAN for Hawaii)**

If there were dedicated channels donated by Oceanic, if production services were procured by competitive bidding, and if funding for this increased coverage of official government meetings did not come out of the "public" part of the PEG pie this would be desirable. But wait a minute...Isn't this what the G part of PEG access is supposed to be doing already?

## **ISSUE #15: Resolution of complaints concerning PEGs**

"DCCA will attempt to facilitate a reasonable solution compromise that address the concerns raised while also respecting the policy and decision making of the PEG's board of directors. To accomplish this objective, DCCA will relay complaints to the PEGs and request a copy of the responses to those complaints."

This is what DCCA CATV has been doing (ineffectively) for years: asking the fox to guard the henhouse.

"The appropriate resolution of complaints by the PEGs is a factor taken into account by the DCCA in evaluating the performance of each PEG."

Has such an evaluation really ever been done? Note there is nothing regarding what DCCA might do when it finds that concerns haven't been resolved equitably. Since it is aware that repeated complaints have not been resolved, I would conclude that DCCA has not deemed repeated bylaw violations important.

It should be noted here that many members of the community have requested DCCA to order an independent financial and management audit of Olelo so DCCA will truly know to what extent Olelo is carrying out its mission and operating equitably and in a fiscally appropriate manner. DCCA did not testify on any of the bills or resolutions before the Legislature this past year requesting an audit. It has not listed an audit as an option in this draft. CATV administrator Clyde Sonobe has said DCCA will not consider such an option until after the comment period on this Draft is passed. Since an audit is not listed as an option, how does he expect people to comment on it? More to the point, wouldn't it be more logical to have the audit done before the comment period (and even before the plan was drafted) so everyone, DCCA and the public alike, can know truly what needs to be fixed? The present document has DCCA tinkering in the dark.

Olelo has adamantly resisted such an audit for years; ever since it was originally proposed. What does it have to hide? And why does DCCA not want to know the truth **as** soon as possible?

### **ISSUE #16: Role of PEGs : Production versus Facilitation**

"As the needs of their clients have evolved..."

I am impressed at the extent to which DCCA has taken the word of Olelo (since it's the gorilla in the bunch, it's pretty **so** to assume that it's Olelo that's making the assertion) and ignored that of the public. The needs of the clients haven't evolved, the degree to which Olelo has attended to their needs of the clients has devolved. Over the years Olelo has erected quite a laundry list of barriers to access. They include (short list here)

poor training

**1700%** increase in training costs

no follow-up to training

poorly maintained equipment

inequitable equipment availability

staff **not** available, doesn't **return** phone calls in a timely manner

programs not aired when scheduled

programs not re-aired **as** often as Olelo's own programs and that of its favorites

inequitable application of rules

access center not abiding by its own rules

not listing presenter at end of their shows

taking equipment off island

Olelo's productions come before clients

in equipment use, channel allocation

retaliation

undocumented policies

training cost waivers inequitable for independent producers vs. non-profits)

selective outreach

agenda setting for the community (not by it)

**As** a result of the above and more, the client base **has** dwindled almost to the point of disappearing. Since this has been going on for years, I must assume that it is intentional and with DCCAs blessing.

"...PEG access organizations have reviewed and assessed how they can continue to serve their unique communities. In addition to their mission of training, developing production skills, and providing a forum for exchange ideas, PEG access organizations have also been involved in activities that some have deemed non-traditional

They are "non-traditional" because they run counter to the mission (in the bylaws — here's just another of those violations), which is not to produce programs but to do the best they can to "promote the creation of programs."

"Examples include: (1) responding to local government **RFPs** for video and captioning services which results competition with private organizations,"

They can underbid because they have the cushion of the "welfare" money from taxpayers' pockets that they don't have to do anything to receive. Effectively, public money is helping Olelo take business away from local small businesses.

"and (2) the development of programming utilizing the organization's resources, which could result in decrease availability of equipment or other resources (such as air time) to the public users of these access facilities."

Not could, does. DCCA **knows** this. Why did it parse this sentence in this manner?

"The development of such programming is sometimes referred to as "community building".

It is by Olelo. Others would refer to it as building support for special interests — on the public's dime.

"The DCCA has given the PEGs discretion to determine whether, and to what extent, they should engage in such activities."

Why? Hasn't it read the establishing legislation? the **PEGs** bylaws?

"Should DCCA continue to allow them discretion to undertake such activities, and if so, should there be any limits on that discretion?"

NO ,without qualification.



CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

Robert A. Alm

2003-12-15

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September 2, 2003

FILE

DIRECTOR'S OFFICE  
COMMERCE AND  
CONSUMER AFFAIRS

Mr. Mark Recktenwald  
Director  
Department of Commerce and Consumer Affairs  
P. O. Box 541  
Honolulu, Hawaii 96809

Dear Mr. Recktenwald:

I appreciate the work you are doing to review the cable television franchise fee and its implementation. Like any program, it is worth a periodic thorough review and if changes are in order to make those changes. On your process and deliberations, I wish you the best.

There is one part of the franchise fee issue on which I wanted to specifically comment and that is the 1% which is committed to public television. This portion of the fee was initiated when it became clear that without support, Hawaii's public television system was in danger of not being able to get its programming to the public. There has always been strong public support for public television and providing a portion of the franchise fee to ensure that that programming remained on the air was a logical step.

The support provided by the franchise fee continues to be critical to public television, and public television continues to be a critical part of the non-commercial television which the public cherishes. The combination of monies given to 'Olelo (nearly three quarters of the franchise fee) and to PBS Hawaii represents the best opportunities for our community to receive non-commercial public interest programming alongside the explosion of commercial programming offered by Oceanic Cablevision here on Oahu.

I hope you will agree and, in the end, continue to strongly support the 1% fee for public television.

Sincerely,



Robert A. Alm

T-845 P.01/02 F-510  
CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

SEP 5 12 40 PM '03

A. E. \_\_\_\_\_

FILE \_\_\_\_\_

2003-156

September 5, 2003

Mark Recktenwald  
Director  
Dept. of Commerce and Consumer Affairs  
1010 Richards Street  
Honolulu, Hawaii 96809

Dear Mr. Recktenwald,

Community television is a wonderful **medium** to hear about issues not always covered by mainstream media. However, I have some concerns on how the **PEG's** in Hawaii operate, particularly how they expend the franchise fee given to them **by** the state. With a budget based **on** a 3% **franchise** fee from cable operators, Lurline McGregor says Honolulu has the third highest franchise fee collection in the nation. **Only** cable communities in New **York** City and Chicago bring in more money.

Since **I am** most **familiar** with Olelo, my comments are directed towards its operations and not the other neighbor island entities. I raise the following concerns:

Prior to entering the world of politics, I worked as a news reporter in two of the **four** network affiliates in town. From what I have seen Olelo's facility and equipment **are** better than Channel 8 (**NBC**) and Channel 9 (CBS). Over the past 15 **years**, Olelo collected almost \$11-million in equipment fees, add to that another \$43-million for operations and **you** have **an** entity **that** pulled in more than \$54-million dollars. How was that money spent?

2. I requested **DCCA** to provide me Olelo's financial report **and** got **a** very brief two-page document called **a** "Statement of Financial Position." I was surprised that DCCA does **not** have a comprehensive report examining Olelo's capital and operating budgets. Olelo should not be allowed **to** hide behind the "shield" of being a private, non-profit entity. A detailed report should be in your possession **and** available for the public to access. I personally asked Ms. McGregor to send me a detailed financial report. My request **was** denied **and** I was told I had to go to their studios to see it. **I am** not suggesting a misuse of funds. I know Olelo is audited each year, but how **can any** outsiders independently evaluate the expenditures of Olelo without full disclosure?



**HOUSE OF REPRESENTATIVES**

**STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813**

3. The franchise fee appears to be an entitlement. Cable companies have to fight to increase their market share, while Olelo simply collects its franchise fee. Perhaps you can look into constructing a tiered fee structure where Olelo's take is based on viewership — a larger audience will fetch more money, a reduction in interest will come with a cut in their budget. There needs to be an incentive for community television to be run more competitively.

4. Is it necessary to have five channels of programming? Denver, a city much larger than Honolulu, has three community access channels. Seattle has two, and Knoxville a TV market similar in size to Honolulu has one community access channel. In Knoxville, only series have set times for airing, all other single productions are given time slots by lottery. By comparing Olelo's resources with community television stations across the nation, perhaps we have a nover capacity of channels. McGregor says shows on Olelo are repeated an average of four times. In commercial television, you rarely repeat any program.

5. Finally, if Olelo's mission is to encourage community programming, why do they air German and other European newscasts late at night? I question the wisdom of burdening local cable subscribers with paying for the airing of foreign programing.

I believe Olelo fills a very important need in our community. It has a slew of well-produced shows, but in this age of dwindling resources, community television needs to stay lean and focused on its mission. Community television will never be profitable or command a huge audience, yet that should not be an excuse to become complacent and stale. If the state mandates cable operators pay a franchise fee, we have a responsibility to ensure that money is being spent wisely.

Aloha,

Glenn Wakai  
State Representative  
Moanalua-Salt Lake

Representative Glenn Wakai, District 31  
Hawaii State Capitol, Room 316  
Honolulu, Hawaii 96813



CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

SEP 5 2 38 PM '03

UNIVERSITY OF HAWAEE'I

A. E.

FILE

2003-157

EVAN S. OOBELLE  
PRESIDENT, UNIVERSITY OF HAWAII

September 2, 2003

Mr. Mark Recktenwald, Director  
Department of Commerce and Consumer Affairs  
State of Hawaii  
1010 Richards Street, 2nd Floor  
Honolulu, HI 96813

Dear Mr. Recktenwald:

The University of Hawaii notes with great interest your current evaluation of issues relating to **PEG** access and cable television franchising. We have worked together with our colleagues from the Department of Education and the Hawaii Association of Independent Schools for many years on these matters.

Our organizations have collaborated to develop the enclosed statement as our shared input to the Plan you will be developing. The cable television franchise framework and agreements are critical to the accredited educational institutions in the State of Hawaii and our ability to serve some 300,000 students statewide.

The University of Hawaii strongly supports the positions outlined in this statement and looks forward to discussing our hopes and concerns with you so that you can understand the importance to education of the resources under your stewardship. Our point-of-contact is David Lassner, Chief Information Officer for the University of Hawaii system, who can be reached at [REDACTED] or [REDACTED]

Sincerely,

Evan S. Dobelle  
President

Enclosure

**Statement of the  
Department of Education, University of Hawaii and  
Hawaii Association of Independent Schools  
Regarding Cable Franchise Issues**

SEP 12 1998

A. E.

FILE

**Introduction**

Hawaii's educational community notes with great interest the current evaluation of issues relating to Public, Education and Government (PEG) cable access programming and the intention to develop a new Statewide Cable Access Plan. Hawaii's educators were engaged in educational access programming before the birth of the PEG access organizations in Hawaii, and have been key participants in the discussions that led to the current franchising framework.

As a result of the consistently strong support of accredited education by DCCA for more than a decade, the current cable franchise agreements have provided Hawaii's educational community with an incredible opportunity to work together to serve the people of Hawaii on all islands. We collaborate primarily through the Hawaii Educational Networking Consortium (HENC), a decade-old partnership that now includes the University of Hawaii, the Department of Education and the Hawaii Association of Independent Schools. Collectively, we represent all accredited education in the State of Hawaii and we serve approximately 300,000 students at all levels on all islands.

We have become the single largest source of access programming by providing between one and two channels of educational programming on every island. We have used the channel capacity and the programming resources we have been able to obtain to increase educational opportunities on all islands. And we have worked together with the State of Hawaii to leverage the franchise agreements to develop a shared Institutional Network (I-Net) that is at the core of Hawaii's future in digital education and government. In addition, we serve the public interest by making legislative programming produced on one island available throughout the State, now on a live basis during session.

The stakes are high for our ability to continue to serve the public, so we view the current process with both concern and hope. On the one hand, drastic changes in the franchising framework such as assigning full responsibility for all aspects of cable franchising to the Counties might potentially result in the loss of countless educational opportunities for Hawaii's people and the loss of millions of dollars of services to the State, which we would be seeking new funds to replace. On the other hand, the current situation could be improved if the benefits we have achieved could be more formally and structurally

## Statement from Education on PEG Access Issues

institutionalized to avoid the negative and energy-sapping contentiousness that has characterized many of the discussions around cable franchising and PEG access.

This statement lays out the key areas in which the cable franchise agreements are critical to providing educational services on all islands. We recognize that **DCCA's** Plan will balance the needs and perspectives of many organizations and individuals, and we hope we have respectfully provided both general background and specific ideas on how to ensure that the cable franchising authority currently vested with the State continues to serve as a tool to broaden access to education on all islands. We believe that there are many ways you can ensure that the new Plan will help us meet the educational needs of the people of Hawaii while still addressing the concerns raised by the Public Access constituency as outlined in your background document.

Questions may be referred to any of UH, **DOE** or HAIS, or to David Lassner, Chief Information Officer of the University of Hawaii (956-3501, david@hawaii.edu), who can coordinate the provision of further details or information about HENC and the criticality of the cable franchise agreements to our collection mission to advance educational opportunity for people throughout the State of Hawaii.

## Statement from Education on PEG Access issues

### Executive Summary

Hawaii's cable franchising has been a vital component of the ways in which Hawaii's educational community has served the people of Hawaii. The University of Hawaii, Department of Education and Hawaii Association of Independent Schools have worked together, primarily through the Hawaii Educational Networking Consortium (HENC) to leverage this opportunity for the people of all islands. The Department of Commerce and Consumer Affairs has been a strong supporter of education and our work for over a decade.

The current statewide approach has ensured availability of educational access cable channels on all islands, which we have recently negotiated to achieve consistent educational channel lineups on all islands. Unfortunately, the availability of financial resources from the PEG access organizations to support the Educational or E component of PEG has been less consistent and the source of many unproductively contentious discussions, including right now in Maui County. In addition to the PEG aspects of the franchise agreement, the I-Net provisions of the cable franchise agreements are critical to serving our under-funded public schools, campuses and education centers statewide.

Our major concern is ensuring the continuing availability of these essential resources, no matter how the issues relating to Public access or P programming are resolved. To that end, our most favored future would provide for the following:

- 1) Direct assignment of two dedicated channels on all islands for educational programming from accredited educational institutions – one at the K12 level and one for Higher Education programming – with high-quality connections from educational origination facilities into the cable networks.
- 2) A firm decision institutionalized in public policy that maximizes the level of PEG programming resources allocated to support production of E programming on these channels -- without continued pitting of Hawaii's educational community against the proponents of P programming in a zero-sum game that is constantly and contentiously negotiated and renegotiated.
- 3) Continued commitment to the Institutional Network to serve the State's public education and government institutions.

We believe these should be statewide commitments so that we can maximize access to educational opportunities for Hawaii's people on all islands.