

January 22, 2013

VIA E-MAIL [donna-naleo@hawaii.rr.com] and U.S. MAIL

Ms. Donna Dunham
General Manager
Na Leo O Hawaii, Inc.
91 Mohouli Street
Hilo, Hawaii 96720

**Re: Application to Provide PEG Access Services Related to
State of Hawaii D&O Nos. 173 & 185**

Dear Ms. Dunham:

Pursuant to Act 19, Session Laws of Hawaii (2011), the Department of Commerce and Consumer Affairs ("DCCA") Guidelines to Designate PEG Access Organizations Pursuant to Act 19 (SLH 2011) dated September 2, 2011, and the DCCA's letter dated January 10, 2013 granting Oceanic Time Warner Cable LLC's ("Oceanic") request to intervene, please find enclosed Oceanic's Request for Information and Production of Documents to Na Leo O Hawaii, Inc. Pursuant to the DCCA's January 10, 2013 letter, Na Leo's responses to the requests for information and production of documents are due on February 4, 2013.

Thank you for your attention to this matter.

Very truly yours,

WATANABE ING LLP



BRIAN A. KANG

Enclosure

cc: Laureen Wong, Esq. (Via E-Mail and U.S. Mail) (w/ Encl.)
Oceanic Time Warner Cable LLC (w/ Encl.)

**IN THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII**

**NA LEO O HAWAII COMMUNITY TELEVISION'S
APPLICATION TO PROVIDE PEG ACCESS SERVICES
RELATED TO STATE OF HAWAII D&O Nos. 173 & 185**

**INTERVENOR OCEANIC TIME WARNER CABLE LLC'S REQUEST FOR
INFORMATION AND PRODUCTION OF DOCUMENTS
TO NA LEO O HAWAII COMMUNITY TELEVISION**

JANUARY 22, 2013

COMES NOW Intervenor Oceanic Time Warner Cable LLC ("Oceanic"), and pursuant to Act 19, Session Laws of Hawaii (2011), the Department of Commerce and Consumer Affairs ("DCCA") Guidelines to Designate PEG Access Organizations Pursuant to Act 19 (SLH 2011) dated September 2, 2011, and the DCCA's letter dated January 10, 2013 granting Oceanic's request to intervene, hereby requests that Applicant Na Leo O Hawaii Community Television ("Na Leo") answer the following Requests for Information separately and fully in writing and provide the documents requested herein by February 4, 2013.

When answering and responding to these Requests for Information, Na Leo is requested to furnish all information known to Na Leo, and any other person acting on Na Leo's behalf. If Na Leo cannot answer or respond in full after exercising due diligence to secure the information, please answer or respond, to the extent possible, specifying the reason or reasons for Na Leo's inability to answer or respond to the remainder.

If any information is withheld under any grounds, state the nature of the privilege or other basis claimed and provide sufficient information to permit a full determination of whether the claim is valid.

If Na Leo objects to any portion or subpart of a request for information or objects to providing certain information requested, state Na Leo's objection and answer any

unobjectionable portion(s) or subpart(s) of the request for information and/or supply the unobjectionable information requested.

These requests are to be considered as continuing and Na Leo must provide, by way of supplementary answers, such additional information as Na Leo or any other person(s) acting on Na Leo's behalf may hereafter obtain which will supplement or otherwise modify any responses.

Requests for Information

1. Na Leo's June 17, 1999 contract with the DCCA provided in part that "Along with its strategic plan, Na Leo shall submit a long-range plan which shall include, at a minimum, measurable objectives and schedules whereby operations and maintenance, repair, and replacement of equipment and facilities would no longer be solely or largely dependent upon Access Fees and the Facilities and Equipment Fund." Please describe in detail the long-range plan for self-sufficiency that Na Leo was required to develop pursuant to its contract with the DCCA and any amendments or revisions to that plan.
2. The 2011 Performance Audit of Na Leo O Hawaii, Inc. dated June 5, 2012 ("Na Leo Performance Audit") at P. 10 indicates that the "Hours of Locally Produced Programming" on Na Leo declined to 9,251 hours in 2010 (versus 18,375 hours in 2009; 19,498 hours in 2008; and 19,002 hours in 2007). Please describe the reason(s) for the decrease in the locally produced programming in 2010, and please provide the hours of locally produced programming for the years 2011 and 2012.
3. Please state and describe in detail separately the source and amount of all money obtained by Na Leo for each of the years 2006 to 2012 (other than from the State of Hawaii or Oceanic). Please break down by source the amount from any source in excess of \$10,000. Please describe whether moneys were in the form of gifts or fees or were obtained from other sources.
4. Please state the source and amount of money that Na Leo expects to receive from sources other than the State of Hawaii and Oceanic for each of the years 2013 to 2017.
5. Please state whether Na Leo uses all of the interest and investment income earned from its restricted capital accounts for PEG capital purposes. If Na Leo does not use all of the interest and investment income from its restricted capital accounts for PEG capital purposes, please describe in detail the amount of interest and investment income earned from restricted funds and used for other purposes for each of the years 2006 to 2012, and Na Leo's reason(s) for doing so.

6. Please state and describe in detail all expenditures made by Na Leo for PEG capital purposes from its restricted capital accounts for each of the years 2006 to 2012.
7. Please state the amount of money that Na Leo has spent for equipment to stream (or provide video on demand for) its programming on the Internet for each of the years from 2006 to 2012. Please break down these amounts for each year between moneys spent for capital items and moneys spent for expenses.
8. Please state the amount of money that Na Leo plans to spend for equipment to stream (or provide video on demand for) its programming on the Internet for each of the years from 2013 to 2017.
9. Please state the amount of money that Na Leo plans to spend in operating expenses to stream (or provide video on demand for) its programming on the Internet for each of the years from 2013 to 2017.
10. Please state the date that Na Leo acquired the land and the building in Hilo at 91 Mohouli Street, the nature of its interest in the land and building (fee simple or leasehold), the total cost to acquire the land and building, and the source (and amounts) of all funds used to acquire the land and building.
11. Please state whether Na Leo has ever subleased any portion of its building in Hilo to another party since the acquisition of the building.
12. On Page 35 of Na Leo's Application, Na Leo states that "Unlike capital assets obtained by Na Leo after 1998, Na Leo retains all rights and title to capital assets accumulated by Na Leo prior to the 1998 renegotiated agreement, even upon termination or expiration of the new agreement." Please identify each and every such capital asset currently held by Na Leo. Please state whether Na Leo's believes it will continue to own its building and land at 91 Mohouli Street (and all improvements) if it is not awarded the DCCA Contract, and the detailed basis for that position.
13. Please state whether Na Leo intends to be involved in educational programming and whether Na Leo requests funding for that purpose in its new contract with the DCCA in light of the fact that the University of Hawaii and the Department of Education already operate and program channels for educational programming and transmit their programming directly to Oceanic's facilities for broadcasting.

Requests for Production of Documents

1. All documents referred to in Na Leo's responses to the requests for information or support Na Leo's responses to the requests for information above.
2. All Na Leo operating budgets (in the most detailed form kept by Na Leo in its files) for each of the years 2006 to 2018.
3. All Na Leo capital budgets (in the most detailed form kept by Na Leo in its files) for each of the years 2006 to 2018.

4. All budget to actual results reports for each of the years 2006 to 2012.
5. All Na Leo records (including, but not limited to surveys) describing or documenting viewership of Na Leo's channels from 2006 to 2012.
6. All documents from 2006 to the present that relate or refer to any plans or efforts by Na Leo to raise funds from sources other than Oceanic or the State of Hawaii.
7. All documents relating to referring to the long-range plan for self-sufficiency that was required to be developed by Na Leo pursuant to its 1998 contract with the DCCA.

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