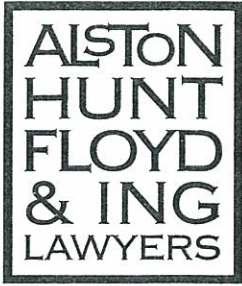


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A LAW CORPORATION

CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

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December 20, 2011

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VIA HAND-DELIVERY

Ms. Keali'i Lopez
Director
Department of Commerce and Consumer Affairs
King Kalakaua Building
335 Merchant Street, Room 101
Honolulu, Hawai'i 96813

Re: Proceedings to Designate PEG Access Organizations Pursuant to Act 19 (SLH 2011)

Dear Ms. Lopez:

We represent `Olelo Community Media ("`Olelo ") in connection with `Olelo's application to provide PEG Access services on O`ahu. We understand the current O`ahu cable franchisee, Time Warner Entertainment Company, L.P. through its Hawaii Division, Oceanic Time Warner Cable ("Time Warner") has requested that DCCA allow it to "intervene" in the public hearing to be held in connection with `Olelo's application. Time Warner wishes to "intervene" in order to question `Olelo about its application and serve requests for documents on `Olelo as if it were serving interrogatories and requests for production of documents in a judicial or adversarial proceeding.

Not only is "intervention" in a public hearing procedurally impermissible, but by such "intervention," Time Warner seeks to usurp the government's authority to procure PEG Access services and improperly use the state's legitimate inquiry to ensure Time Warner can assert its own self interests directly against an applicant.

`Olelo strongly objects to DCCA deputizing Time Warner to conduct the public's business. DCCA is well equipped to conduct public hearings concerning PEG Access. Time Warner can rightfully participate in the public dialogue. Company representatives can certainly testify, and it can submit questions concerning `Olelo for DCCA's consideration in the proceeding. It can raise objections it may have about `Olelo's ability to perform PEG Access services. However, as an intervener, Time Warner will be

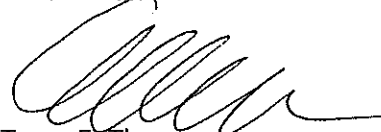
Ms. Keali'i Lopez
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empowered to supplant the government's role in the administrative inquiry and subject `Ōlelo to undue harassment. By affording intervener status to a franchisee, DCCA will be relinquishing its responsibility to conduct its own inquiry and weakening its role in protecting the public's interests.

As an additional matter of concern, Time Warner's participation as an intervener in the application review will unfairly afford Time Warner leverage and additional tools to disadvantage `Ōlelo. Time Warner and `Ōlelo are currently in the midst of a DCCA-ordered arbitration concerning the amount of capital funds Time Warner is to pay DCCA for the PEG Access contract on O`ahu. Under these circumstances, DCCA should not confer any quasi-governmental status upon Time Warner that would allow it to use the application proceeding as an additional forum to challenge `Ōlelo and gain a prejudicial and unfair advantage in arbitration.

`Ōlelo understands Time Warner has questioned your objectivity to decide matters concerning `Ōlelo due to your former position. `Ōlelo urges you, however, not to afford Time Warner powers to act as a governmental agency in this governmental proceeding as an accommodation to Time Warner's unsupported challenges to your objectivity. Time Warner's obligation to pay PEG capital and operational fees are a matter subject to the application and interpretation of its franchise agreement with DCCA. Consequently, any interests and rights it has are pursuant to the franchise agreement, and Time Warner has no greater rights or interests than any member of the public in determining which will operate the PEG program under a separate and independent agreement with DCCA. Time Warner's unprecedented and impermissible request to "intervene" here is an unwarranted and improper assumption of what is clearly a government function.

Very truly yours,



Terry E. Thomason
Corianne W. Lau
Jessica Wong Lavarias

TET/CWL/JWL:clm

cc: Everett Kaneshige, Esq.
Laureen Wong, Esq.
Donn Yabusaki
Glen Chock
Client