

CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

Watanabe Ing LLP
A LIMITED LIABILITY LAW PARTNERSHIP

2011 DEC 13 A 10:40

December 13, 2011

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FILE

VIA HAND DELIVERY

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

**Re: Time Warner Entertainment Company, L.P. through its
Hawaii Division, Oceanic Time Warner Cable's Notice of
Intervention in DCCA's Proceedings to Designate PEG
Access Organizations Pursuant to Act 19 (SLH 2011)**

Dear Ms. Lopez:

Pursuant to Act 19, Session Laws of Hawaii 2011 ("Act 19"), and the Department of Commerce and Consumer Affairs ("DCCA") Guidelines to Designate PEG Access Organizations Pursuant to Act 19 (SLH 2011) dated September 2, 2011 ("DCCA Public Access Guidelines"), this is to inform the DCCA that Time Warner Entertainment Company, L.P., through its Hawaii Division, Oceanic Time Warner Cable ("Oceanic"), requests intervention in the public hearing for 'Olelo Community Media's Application to Provide Public Access Services Related to State of Hawaii D&O No. 346 dated October 25, 2011 ("Olelo's Application").

As the DCCA is aware, Oceanic provides the funding for the Access Operating Fees and the annual capital contributions to the current public access provider as described in the DCCA Public Access Guidelines, and such payments are also required by Decision and Order No. 346 (January 14, 2010). Decision and Order No. 346 also requires that Oceanic and the public access provider negotiate the capital contribution amounts on a periodic basis, and if an agreement cannot be reached, that the parties

submit the matter to arbitration. Since 1989, Oceanic has provided a total of nearly \$100 million to 'Olelo Community Media in Access Operating Fees and annual capital contributions. In its application, 'Olelo makes various representations regarding its operating and capital reserves, as well as the ownership of certain capital assets, unexpended capital and unrestricted funds, and scope of services, all of which (among other factors) will affect the amount that Oceanic should be required to provide to 'Olelo Community Media pursuant to D&O 346.

Given the foregoing, Oceanic clearly has a substantial interest in the outcome of the designation of the applicant as a public access organization (which will not be protected by the interests of any other party), and Oceanic's intervention will not unduly delay the public hearing, nor is it intended to harass, hinder or prejudice the rights of the applicant in any manner. Indeed, permitting intervention will be conducive to effectuating the goals and purposes of Act 19 and ensure that all relevant information is presented to the DCCA and the public. The denial of this request to intervene, in contrast, will substantially prejudice the rights of Oceanic, as it clearly has a unique and substantial interest in the designation of the public access provider going forward for the reasons provided above.

Assuming the DCCA grants Oceanic's request herein, Oceanic intends to submit written questions about the application and make reasonable requests for supporting and clarifying documentation to 'Olelo Community Media. Oceanic will request that it receive the requested information from 'Olelo within a reasonable time prior to the public hearing so that Oceanic can prepare its testimony accordingly. Assuming the request for intervention is granted, please inform Oceanic of the timing for the public hearing, as well as the timing for submitting such requests to 'Olelo Community Media.

Finally, given that Act 19 and the DCCA Public Access Guidelines require that applications be accepted and considered from other public access organizations in Hawaii County, Kauai County and Maui County, this is to provide notice that Oceanic intends to seek intervention in all public hearings triggered through applications submitted by other proposed public access providers in other counties for the reasons noted above, and other reasons that may become apparent through the application process.

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Thank you for your attention to this matter, and please contact me should you have any questions regarding the foregoing. Oceanic looks forward to the DCCA's response on this request for intervention.

Very truly yours,

WATANABE ING LLP

A handwritten signature in black ink, appearing to read 'Brian A. Kang', written over the printed name below.

BRIAN A. KANG

cc: Everett Kaneshige, Esq.
Mr. Donn Yabusaki
Laureen Wong, Esq.
Oceanic Time Warner Cable