

February 8, 2006

Aloha!

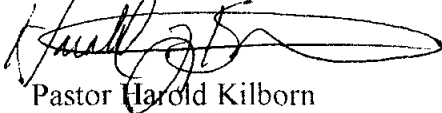
I am Pastor Marde, representing Pastor Harold Kilborn of the Old Historic Koloa Church, because he couldn't be here.

In reading his letter, he wanted to communicate how pleased <sup>he</sup> has been with <sup>the</sup> operations of Hoike Cable Television. The friendliness, the availability, and the professional help they have received over the last 4 years have been greatly appreciated. They have been very community minded and a great source of information to people of Kauai.

I believe it would be in the best interest of the people of Kauai, to have Hoike Cable Television remain as is, and be exempt from REP, which would be travesty and perhaps bringing about a monopoly affecting many small organizations. REP would definitely limit and exercise a control that would hinder the effectiveness of Hoike Cable Television.

Kauai is small and unique, and the people Kauai are happy with our present Hoike the way it is. The staff is great and makes you feel welcome whenever you go to see them. They have evolved to become a great influence on Kauai. Let us not change what is working efficiently for the Island of Kauai.

Aloha Ke Akua,

A handwritten signature in black ink, appearing to read 'Harold Kilborn', with a long, sweeping horizontal line extending to the right.

Pastor Harold Kilborn

2-8-2006

My name is Tom Beck II. I have been a Kauai resident since 1984. I am a retired instrumental music teacher. Today I am here to testify in favor of keeping the management of Public, Education and Government Access television with Ho'ike.

For several years, as an independent producer, I videotape several varieties of events and activities, mostly music events and concerts

to air on Ho'ike. The staff and management have always been receptive to all of my video productions, and they have been aired numerous times.

I have found the staff and management of Ho'ike to be very helpful and courteous. They have thorough knowledge and skill for the efficient functioning of a television station. The training and assistance they provide to the general public is exceptional. I have made use of the equipment they have available for public use and have found it to be of good quality and updated to meet the demands of the industry. I

believe Ho'ike is providing a great service to the community of Kauai.

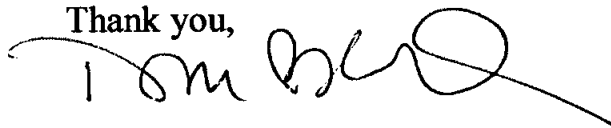
I would hope that the Department of Commerce and Consumer Affairs will not initiate a Request for Proposal or competitive bidding process for the providing of public access television here. It seems that such a process would be open to outside bidders, and could well lead to a loss of local control of public access television on Kauai. I would much rather see public access television continue as it has been under the management of

Ho'ike, with local Kauai people serving as directors, administrators and staff who respond to the Kauai community's needs .

I would like to see the DCCA apply an exemption status to the contract for Public, Education and Government Access services. This exemption can be based on the determination that the PEG service is a "utility" similar in function to the Cable Operator. As a utility, the Cable Operator is exempt from the Request for Proposal process. Ho'ike should be considered as a utility, and be also exempt.

Another reason the PEG service can be exempted from the RFP process is that it would not be in the best interest of the state of Hawaii to proceed in this manner. Opening up the bidding process to outside entities could very well eliminate local control of the PEG service. Ho'ike has a history of Serving the Kauai community well. There is no logical rationale for risking this loss of local control of the PEG service, which may not serve the best interests of Kauai's public for access.

Thank you,

A handwritten signature in black ink, appearing to read "Tom Beck II", with a long horizontal flourish extending to the right.

Tom Beck II  
5981 Olohena Rd.  
P.O. Box 1193  
Kapaa, HI 96746  
808-821-2680

2-8-2006

**Public Testimony on Kaua'i  
DCCA Hearing Regarding PEG and the RFP Process  
Wednesday, February 8, 2006**

**Submitted by:  
Jose Bulatao, Jr.  
President, Ho'ike Community Television**

**For the record, my name is Jose Bulatao, Jr. I currently serve as president of the Board of Directors of Ho'ike Community Television, speaking in behalf of my fellow board members who are unable to be present at this time.**

**Good afternoon, and welcome to Kauai. Thank you for taking the time to come to our island to gather information and to assess the perspectives that will be expressed by various members of our island community. It is because you are seeking to obtain the public's general input and comments on issues relating to public access television services, whether the department should seek an exemption from the requirement that those services be procured through a competitive bid process, and, if not, what requirements the department should include in any request for proposal that brings me to this table in this room at this time. In the process, as you weigh and consider the viewpoints that will be discussed, I hope that you will base your decisions on what will ultimately be in the best interests of our community.**

**I stand firmly in support of the record of what Ho'ike Community Television has been able to accomplish, attain and achieve as an entity providing PEG services for the island of Kauai. In a timely fashion, we have submitted our annual written reports and have responded to recommendations that have been made for the purposes of clarification. It has been clearly evident that we have made remarkable progress in providing a greater variety of programs on each of the channels within our domain. We have been able to go that extra step by being innovative and responsive to community requests. I believe that our hours of operation are satisfactory. We have made great strides in the improvement and availability of our equipment. The quality of training has been phenomenal with staff members who have impeccable credentials, experience, and training. As small as we are in numbers, our full time and part time staff members have responded with enthusiasm to provide their professional obligations to the community.**

**I ask you to respect the uniqueness of who we are and what we are like here on the island of Kauai. As one of the neighbor islands, we take great pride in our sense of "individuality" as an island community. As such, we have arrived at a point where our efforts to be comprehensive as P-E-G channels, serving our island, and at the same time, having access to other programs that emanate from other sources, all be a part of what we have to offer.**

**I have concerns about the RFP proposal in that there is no guarantee of the level of services that may be provided by the DCCA. Unto itself, the state RFP process is at**

**the very least, burdensome and tediously lengthy. Might it not, also, invite inflexibility that comes with bureaucracy, which in turn, affect our ability to be responsive to the particular and specific needs of our community?**

**As a retired educator with thirty-one years of teaching at the secondary school and collegiate levels, I am well aware of the state procurement system. I sincerely consider it as giant step backwards if DCCA intends to enter the competitive bidding process and all that must come under consideration in terms of the requirements and/or scope of services that the RFP process would demand.**

**These other following perspectives also need to be considered:**

**\*There are, indeed, different mind-sets between the city-dwellers of Honolulu and those of us on the neighbor islands. There are variations in the way neighbor island issues and values are understood and appreciated by that city-perspective.**

**\*As a PEG provider, we stand on our record.**

**\*The RFP process is an overwhelming burden on small organizations.**

**\*There is no guarantee that this process will improve or enhance any element of service currently provided.**

**\*There is no public benefit gained by this process.**

**\*There is no assurance that training and opportunity will continue.**

**\*This process may well open the door to outside bidders with no knowledge of Kauai. How will that help us in any way?**

**There is a saying, "If it ain't broke, don't fix it." I think that statement applies here.**

**Thank you.**

**Respectfully submitted,**

*Jose Bulatao, Jr.*

**President, Ho'ike Board of Directors**



"Teresa Tico" <tico@aloha.net> on 02/09/2006 12:24:32 PM

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 10 A 9:02

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

A\_\_E\_\_P\_\_S\_\_

Subject: PEG ACCESS COMMENTS

FILE\_\_\_\_\_

I am writing in regard to the hearings being conducted by the DCCA concerning Peg Access Services. I am a board member at Ho'ike, but my comments are submitted in my individual capacity, as an independent producer, and as a member of the community at large.

#### I. PEG DOES AN EXEMPLARY JOB OF PROVIDING SERVICES TO THE PUBLIC

I became involved with community television while living on Maui when I saw a newspaper article advertising classes for non linear digital editing at Akaku. I immediately signed up and took every class offered at Akaku, from field and studio production, to make up, lighting, story boarding, and my favorite, non linear digital editing. The staff were like family. I can't begin to tell you how helpful and encouraging everyone was. I produced a dozen or more 30 minute documentaries and worked on two live television shows while there--Talk With The Mayor and The Maui News. Not only did this further my understanding of television production, but we were providing important informational content to the public.

When it came time for me to move back to my home on Kauai, I started using the facilities at Ho'ike. This time I wanted to produce my own television series and with the support and encouragement of the Ho'ike staff, a team of us was trained in television production. Staff also assisted us in our productions, and we were able to use the facilities for field productions, as well. I can't speak highly enough of people like Boots Riggan, Jim Lucas, and J Robertson. They have helped me with numerous independent productions, as well.

When I was asked to serve on the Board of Directors of Ho'ike, I did not hesitate to do so, even knowing some of the challenges that were facing the Board. I did it because I felt it was my turn to give back. I have gotten so much from everyone at the two community television centers (Akaku and Ho'ike), and they have all been so supportive, I felt it was the least I could do. As a director, I am frequently at Ho'ike, and I am thrilled to see all of the young kids taking production classes and learning non linear editing. Ho'ike is responsible for a whole new generation of up and coming filmmakers on our island. I have NEVER seen anyone excluded from the "process" and was surprised to hear the testimony of Carol Bain last night stating that "individual users have been bypassed." This is simply not true. Unfortunately, Carol and her husband, Ed Coll, seem to have a grudge against Ho'ike for reasons that pre-date my involvement. I like both of them and hope our current Board can find a way to mend the rift as Carol and Ed have much talent to offer.

#### II. HOW CAN PEG ACCESS BE IMPROVED

Again, speaking as an individual producer, and nothing against the Board and executive director, but I'd like to see extended hours a few nights a week so those of us who work all day can get a night or two in at the studio (or the computers). Also, the technology is changing so rapidly, we need to continually upgrade the equipment. Last year, I asked the Board to approve the purchase of several 3 chip video cameras as all Ho'ike had at the time were one chip cameras. They did, and now our users have access to three chip cameras. I'm pleased to see new editing classes for Final Cut Pro which is rapidly becoming the industry standard. Ho'ike, in particular, can be improved by moving to a new location, outside of the flight paths, to a facility that is sound proofed and has more parking stalls.

#### III. SHOULD PEG ACCESS BE SUBJECT TO RFP?

I don't think so, not at this time. RFP at this time will really rock the boat and could sink the ship. Perhaps in a few years, RFP might be appropriate, but right now, we have a new Board, some great new staff, and there would be

a considerable loss of time, talent and resources to make us go through the bidding process right now. It would take our time and energy away from providing the services we give to the community and our youth. After two years, sure, I can see it. Competition is a healthy thing. But, then we'd need to ensure that we don't end up with a profit oriented, non community focused, group of investors, like corporate raiders, taking over what we've worked so hard to build up. Hoike's Board represents a remarkably diverse cross section of the community, we have highly talented staff, and our "users," including me, don't want to worry about losing this valuable community asset. So, I'm not in favor of RFP until the end of 2007, if at all.

Thank you. aloha, Teresa Tico



Ed Coll <coll@kauai.net> on 02/09/2006 06:57:28 PM

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

Please respond to coll@kauai.net

To: cabletv@dcca.hawaii.gov

cc:

Subject: Testimony of CTPA President Edward Coll

2006 FEB 10 A 9:02

A\_\_E\_\_P\_\_S\_\_

FILE\_\_\_\_\_

Aloha,

Please find my testimony attached in the electronic form in which it was created. File name is colltestify.htm

### **Hawaii Public Access Model Pushing the public speaker to the back of the access bus**

To listen to the flash audio testimony of Edward Coll President of the Hawaii Community Television Producers Association (CTPA) before the Department of Commerce and consumer Affairs (DCCA) public comments meeting held on the Island of Kauai, Hawaii on Wednesday, February 8, 2005 click on the button above, or read the entire report below.

[IMAGE]

## **Hawaii Public Access Model Pushing the public speaker to the back of the access bus**

My name is Edward Coll. I am a former Ho'ike Board Member, a former "terminated" public producer, and the current President of the Hawaii Community Television Producers Association or CTPA. CTPA is the oldest non-profit corporation representing the interests of the public access producers in the State of Hawaii. CTPA predates all the state created PEG non-profits. I am also a lifelong advocate of participatory democratic communications, and an avid participant/observe, and practitioner of participatory action research. This means I test systems for functionality by using them.

DCCA's notice stated the purpose for these public comment meetings is:



seeking to obtain the public's general input and comments on issues relating to public access television services, whether the department should seek an exemption from the requirement that those services be procured through a competitive bid process and, if not, what requirements the department should include in any request for proposal.

The position of CTPA is that:

1. DCCA should not seek an exemption from state procurement law.
1. DCCA should comply with state procurement law and use the competitive RFP bid process to procure public access television services, and
1. the management and funding of the public, education, and government access television services be separated into three distinct sectors to ensure transparency, oversight and accountability.

CTPA recommends:

1. Splitting the PEG funding into three allocations. CTPA recommends an allocation split of 60% for the Public, and 20% each for Government and Education (which is also Government).
1. Let E and G sectors determine how to allocate their funding to meet their mission(s)
1. Follow state procurement law to release an RFP for Public Access services
1. Contractually require the successful Public Access service provider to strictly comply with all applicable state open records and sunshine law.
1. Contractually require the successful Public access service provider to strictly comply with their first-come, nondiscriminatory mission.

If DCCA requests and is granted an exemption from state procurement law CTPA would recommend the sole source PEG be contractually obligated to comply with:

1. the "first-come, non discriminatory access" federal mandate,
1. a contractual prohibition against bidding on RFPs, or any "for pay" contracts,
1. a contractual prohibition against "facilitated productions" ( producing programs for speakers instead of training speakers to use the technology for themselves) and
1. all applicable state open records, and sunshine laws.

From CTPA's perspective government actors (including education) have pushed the public speaker to the back of the access bus as predicted in a variety of DCCA commissioned reports

which evidently are gathering dust on a shelf somewhere. CTPA has exhumed these document to discovered a history of what our members have experienced first hand. DCCA has created a PEG model which has institutionalized discrimination against the public speaker. CTPA believes that:

1. lack of DCCA oversight,
1. the lack of competitive RFP process and
1. the co-mingling of PEG funds, administration, functions, and missions are at the root of the systemic institutionalized discrimination confronting the public speaker.

CTPA calls this triad "The Hawaii Model".

## **The Hawaii Model**

If one wanted a model to collect and divert public money and resources away from the public producer to government uses (without raising taxes) while claiming it's for the "public access" -- look no further than the Hawaii Model.

The dysfunctional Hawaii Model offers:

1. Central franchising authority provides unitary control (no worry about localism here)
1. No need to raise taxes (politicians of both parties like this feature)
1. Money is collected from cable subscribers by the cable company as part of their cable bill (No pay, no play, no option)
1. Money is transfered directly from subscriber to the cable company to the PEG non-profit where resources are slushed back to government uses (a state mandated stealth user tax on cable subscribers that does not go through the general fund)
1. The government created non-profits has no members except the board itself, and
1. The government appoints the board majority
1. PEGs become government subsidized profit centers that are allowed to compete with independent producers for lucrative "for-pay" contracts
1. The non-profits creates an arms length distance from legal liability to protect the states tates deep pockets by outsourcing responsibility to the comparatively shallow pocket non-profits
1. Designed-in blind spots make reporting requirements easy for the PEGs and oversight by DCCA completely ineffective.

Yes the Hawaii Model has it all. The only problem with this model is that the individual public producer must be pushed to the back of the access bus, or better yet pushed off the bus entirely if this diversion of public resources is to be slushed un-noticed back to government uses and the special, not public, interests serviced by DCCA oversight policies. These DCCA policies were developed in direct contradiction to a variety of DCCA commissioned reports and recommendations from several state Senators.

## The Reports

In a 1989 report commissioned by Department of Commerce and Consumer Affairs (DCCA), the state's cable franchise authority and the agency responsible for the administration and oversight of Public Education, and Government (PEG) access commissioned a report from nationally-known PEG consultant Jean Rice. The Rice report recommended an initial seven member PEG boards consisting of four board members appointed by the governor and three board members appointed by CTPA. Rice also issued a perceptive warning.

"the level of volunteer participation in access has been so significant over the years that any structure that does not allow full representation by community [producers] and other community representatives should not be an option considered by the State." - From the Legislative Reference Bureau (LRB) report Unscrambling the signals

Despite this warning by Rice the 1995 LRB report tersely stated:

"The State chose a different model for its access organizations, one involving appointments by government and cable companies, with no specific representation for the independent producers."

The LRB report offered no explanation, nor justification for this DCCA action taken in direct contradiction to their own consultants recommendation and warning.

In a November 5, 1998 a letter from Hawaii State Senators, Les Ihara, Carol Fuginaka, and David Ige to the 'Olelo Chairman (and copied to the Director of DCCA) the Senators wrote:

"Having CTPA representatives on the Olelo Board of Directors would in our opinion, help to provide community producers access to policy decisions on Olelo operations and its management, improve relations between the Olelo Board and CTPA, and enhance Olelo's effectiveness in serving the cable television-viewing public."

The opinion was ignored and in fact both 'Olelo and Ho'ike have been waged a protracted war of attrition on CTPA. CTPA members have been "terminated" without cause. Being a member of CTPA has assured discrimination by the PEGs especially 'Olelo on Oahu and Ho'ike on Kauai. CTPA membership became a liability. Both Ho'ike and 'Olelo attempted end runs around CTPA by creating their own producers associations, advisory groups, program committees, etc. all of which were later unilaterally dissolved by 'Olelo and Ho'ike when input from these entities became problematic.

As DCCA's consultant Rice, and Senators Ihara, Ige, and Fuginaka correctly noted, excluding public producers access to policy decisions (rules, procedures, and bylaws) of PEG was a error of

such a fundamental nature that the public sector of public access' very survival now hangs in the balance.

If one were to begin reading the 1997 DCCA commissioned report "Disputes over PEG Resources" and stopped reading after the subtitle "Splitting the baby is not the solution" one would incorrectly conclude that splitting Public, Education, and Government functions into three separate functional units is a very bad idea. No one wants to cut up a baby.

The question CTPA has for DCCA is who authored this subtitle and why does the subtitle contradicts the Executive Summary conclusion which reads:  
if community control remains the foundation of PEG access, the government will have to rescue PEG access from itself. DCCA will have to limit involvement by other government entities in PEG access decisions.

Again DCCA ignored their own commissioned report and chose not to "limit involvement by other government entities" but indeed increased it as exemplified by DCCA's recent actions regarding Akaku.

The report conclusion continues:

though the government, as represented by the public education system, the State Legislature, and the county governments, might be appropriate beneficiaries of funds and channel time, they are not the decision makers in the current scheme: the PEG boards of directors are. DCCA should endorse and support the current model, or develop and implement another.

Again CTPA notes the report does not conclude, "splitting the baby is not the solution" but advises DCCA "support the current model, or develop and implement another." CTPA disagrees with the conclusion to support for the current model because the report incorrectly concluded that representatives of education, legislature, and county government are not the decision makers. This conclusion is incorrect in light of the fact that DCCA appoints the PEG boards majority, and indeed those DCCA appointments have stacked PEG boards with board members sympathetic to E and G interests. The sole exception to PEG boards domination by DCCA appointed board members with E and G special interests is Akaku the PEG on Maui, where DCCA has increased there government involvement at the behest of another government entity education.

Not surprisingly the other PEG boards are dominated by DCCA appointed individuals favoring government interests. The current power struggle at Akaku serves to highlight the disputes over PEG resources when a majority of Akaku board members attempt to represent the interests of the public speaker. One of the 1997 report recommendations was to "Resolve the PEG structure in Maui County," yet DCCA has failed to do so. Sadly, DCCA appears to be a far-from-neutral party in this ongoing struggle for control of Akaku resources, and in the opinion of CTPA DCCA has inappropriately intervened on behalf of government (education) interests. The nail that sticks up gets pounded back down.

Fifteen years after the Rice report recommending a board structure, "to allow full representation by community producers" the DCCA in 2004 issued a johnny-come-lately, half-hearted mandated that each PEG hold an election to seat just one public producer.

# The Election

The PEGs resisted this DCCA election mandate and initiated a skewed and less than transparent election process which violated best practices for fair elections. For example, both Ho'ike and 'Olelo denied public producer candidates running for the board the public contact information (addresses and phone numbers) of the eligible voters. This created the ludicrous situation of holding an election where candidates were unable to contact eligible voters for their vote.

This scheme of withholding public information from candidates gave PEG board and staff members the ability to potentially lobby voters on behalf of their preferred candidates. Unlike the public producer candidates who were unable to contact voters for support, the PEGs were in possession of the producer contact information and could use it for lobbying purposes.. They obtained this information as a required condition of public access. All program producers are required to complete and sign a "required for public disclosure" form prior to their program being broadcast. This form requires a contact address and phone number yet the PEGs refused to make this public information available to public producer candidates.

CTPA has no proof that PEGs used the undisclosed information they had in their possession to influence the outcome of the election, but CTPA is claiming the failure to disclose this public information created this possibility and also provided plausible deny-ability for the PEGs if they were accused of undue influence. At Ho'ike, ballots were stuffed in an unlocked cardboard box in the Managing Directors office, and counted by a former Ho'ike board member a day before independent observers were told they could monitor the ballot count. Such actions make a mockery of fair election practices.

Here is the 7-14-2004 complaint to DCCA from CTPA:

Director Recktenwald,

This is a formal complaint that Hoiike intentionally designed (and conducted) an election process to prevent assessment of the integrity of the election results by:

- \* Failure to involve users in the process
- \* Failure to follow the published election time line
- \* Failure to allow independent third party oversight
- \* Failure to allow independent third party ballot count observers
- \* Failure to secure ballots
- \* Failure to follow standard election procedures (IE: not keeping ballot log: allowing staff to handle ballots without independent third party observers)
- \* Failure to provide candidates with the "Public Disclosure Information" required on every videotape submission form and broadcast program to allow candidates to contact voters. These were intentional failures implemented by Hoiike to make it impossible to evaluate the integrity of the election outcome. There is no independent verification that everything was done fairly. The past documented misappropriation of public monies and subsequent cover-up by Hoiike board and staff make their "word" highly suspect.

Please recover the misappropriated public monies, remove those board members, and staff responsible for the misappropriation and cover-up, nullify this flawed election, and do not renew

the PEG contract with Hoiike.  
Edward Coll – CTPA President

Meanwhile CTPA VP Jeff Garland on Oahu filed complaints about `Olelo's unfair election practices. DCCA copied their response to CTPA VP Garland, and cc'd me to address my concerns as well. Here is the relevant sections of DCCA's response from 9-21-2004:  
Election process details were left up to the PEG access entities. As a result, we are unlikely to require a supervised recount or to review the ballot envelopes. We would, however, take evidence of a fraudulent or patently unfair election into account in determining whether to renew any PEG contract. As a result, we are grateful for your interest and invite you to provide us with any factual evidence of this type.

CTPA cannot provide "factual evidence" that unfair election practices by Ho`ike and `Olelo (what DCCA calls "election process details") were used to influence the election outcome. CTPA can only provide evidence that such practices would **allow** for such and outcome. DCCA is requiring a standard of evidence that these violations of fair election practices were **actually used** to conduct "a fraudulently or patently unfair election." CTPA of course does not have this evidence since the unfair election practices both creates the possibility of fraud, and provides plausible deny-ability that fraud occurred.

CTPA believes DCCA bears full responsibility for allowing these elections to proceed under these circumstances despite CTPA protests of improper oversight and evidence of numerous violations of fair election practices, by both `Olelo and Ho`ike. This flawed election mandated by DCCA was part of what DCCA calls "The Final Plan."

## The Final Plan

The 1997 report "Disputed over PEG Resources further recommended DCCA:

1. Develop a statewide vision.
2. Endorse models to support that vision.
3. Resolve the PEG structure in Maui County.

DCCA's efforts to establish a statewide vision and model to support that vision came seven years after the 1997 report and is summarized in the "Department of Commerce and Consumer Affairs' ('DCCA') Final Plan for Public, Education, and Government ('PEG') Access Executive Summary - January 2004 (the Final Plan)" CTPA was pleasantly surprised that the DCCA final PEGs plan called for:

Ensuring Openness and Accountability in PEG Operations. All PEGs overseen by DCCA will be required to adopt bylaws and policies consistent with the requirements of Hawaii's public meetings and open records laws."

CTPA has always found the PEGs adamantly opposed to open records and sunshine law and was not surprised that `Olelo would take the lead for the other PEGs and spent around \$100,000 of

their state mandated public funds to sue the state Office of Information Practices (OIP) to obtain a declaratory judgment that PEGs were not required to follow open records law.

**This PEG lawsuit was triggered by requests from CTPA members and other producer candidates who request the contact addresses and phone numbers necessary to campaign for a PEG board seat in the DCCA's mandated election.**

Also no surprise to CTPA is the fact that DCCA has to date failed to contractually require PEGs to adopt, "Bylaws and policies consistent with the requirements of Hawaii's public meetings and open records laws" but has instead has engaged in multi-year contract extensions in violation of state procurement law.

Highlighting the DCCA's Final Plan's lack of vision is the fact that the Final Plan made no mention of the RFP process under discussion today. This is despite the fact that the sole source versus the competitive RFP bidding process issue was brought to DCCA attention eleven years ago in 1995 on the island of Kauai when the Executive Director of Ho'ike, in a letter to the County of Kauai, asserted the DCCA had designated Ho'ike as the **sole source designee for government program production and broadcast**. An independent production company notified both the County of Kauai and the DCCA that Ho'ike's assertion was incorrect. The production company argued that although DCCA had designated Ho'ike as the sole source to manage the government channel, DCCA had not designated Ho'ike as the sole source for the production of government programs.

The DCCA agreed and confirmed Ho'ike had only been designated by DCCA as the sole source contractor for the management of the government access channel. Ho'ike had misinformed the County of Kauai. As a consequence since 1995 the County of Kauai has used the RFP process, and in 2003 another non profit, The Benefit Network, successfully bid on, and successfully completed, a one year contract to provide all County of Kauai government program productions.

This non profit organization assumed that the Ho'ike production assets that Ho'ike had used to complete the previous government contracts would be made available to any successful bidder. Ho'ike, however, removed all in-place government production equipment and refused to allow the successful bidder access to the production equipment and the Ho'ike studio. Ho'ike asserted that their rules, and procedures disallowed to use of Ho'ike equipment by any entity engaged in a contract-for-pay.

Ho'ike was unable, however, to cite the specific rule or procedure that forbid this, nor could Ho'ike explain how they themselves were able to exempt themselves from their own alleged rules and procedures, and use their production assets to engage in contracts-for-pay while denying other bidders this same access. Complaints from the successful non-profit bidder were to no avail and DCCA allowed Ho'ike to engage in this anti-competitive practice.

The successful non-profit bidder was forced into a position of not only providing the production services, but also had to provide the production equipment to complete the contract.

When the 2003 contract was completed the County of Kauai tendered another RFP but, this time required studio access as a condition of the RFP. Ho'ike again became the successful bidder

using their subsidized studio assets as well as their subsidized remote production assets to underbid any potential competitor, while denying use of these assets to the competitor. All with the blessing of DCCA. Under such conditions Ho'ike again became the sole and successful bidder.

The point is that the only successful non-profit bidder for the County of Kauai contract is the exception to the rule. That rule is:

**that a state subsidized entity will in the vast majority of cases be the successful bidder against a non state subsidized entities.**

This is tantamount to DCCA, the the oversight agency, allowing Ho'ike sole use of state mandated subsidized production assets to bid on competitive contracts-for-pay against non-subsidized organizations who are denied access to this publically subsidized equipment.

While the Final Plan is silent on the RFP issue of sole source PEG services by DCCA itself, the DCCA Final Plan's vision intends to allow this unfair and anti-competitive practice by the PEGs to continue. The Final Plan states:

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

CTPA notes that PEGs are not limited by DCCA to bidding only on government contracts nor just against private organizations, but the DCCA is giving PEGs the discretion to also bid on any contract-for-pay against any organization including other non-profits. CTPA believes it is fundamentally unfair to use subsidized production assets intended for public producers use to be used by PEGs to compete with other public and private non-profit entities, In light of the recent revelation that DCCA has been violating State procurement law for 11 years effectively excluding other non-subsidized public and private organizations from bidding against the PEGS, and the fact that Ho'ike did indeed bid against another non profit and and denied that non profit access to production equipment.

The lesson to be learned is that if if fairness and a level playing field are the goal, then the state mandated, cable subscriber funded subsidized assets should be made available for use by the successful bidder. If this is not done then releasing an RFP is a mere formality, and in no sense a real attempt at a fair competitive bidding process.

DCCA has accepted the Ho'ike 2005-2010 Self Sufficiency Plan in which Ho'ike states they plan to become self sufficient by engaging in the following activities:

Ho'ikes plan to compete with the private sector by engaging in "any number" of the following "fee for service" activities:



1. compete with video producers on the island by providing video production services for non-access purposes.
1. compete with equipment rental companies by renting equipment (video projectors, etc.) for non access purposes.
1. compete with hotels and rent space for conferences, meetings, etc. for non-access purposes.
1. compete with captioning services by providing off line captioning for non-access purposes.
1. compete with media duplication houses by offering duplication services for non-access purposes
1. compete with corporate consultants and curriculum designers by producing training videos for non-access purposes.
1. compete with video producers by producing political spots for candidates for non-access purposes

CTPA further notes that DCCA was aware in 1995 of this RFP issue between Ho`ike, the independent production company, and the County of Kauai, and it should have raised a red flag regarding DCCA's own practice of not following the RFP open bidding process in violation of state procurement law.

If red flags were not raised for DCCA in 1995 they certainly should have been raised in 2001 when CTPA Vice President Jeff Garland emailed DCCA Cable Television Administrator Clyde Sonobe the following email:

Dear Clyde,

I require information that spells out the procedures DCCA must follow in order to designate a nonprofit as an access organization. Also, when any access organization is renegotiating their contract with DCCA, are there specific procedures that must be followed by DCCA? Is DCCA required to post a public notice or Request for Proposal?

Sincerely,

Jeff Garland

Here is Cable TV Administrator's non-responsive reply:

Mr. Garland,

I understand that you already have a copy of the contract between Olelo and the DCCA which should provide the information that you are seeking. If by chance you do not have a copy, they are available for your review here in our offices. In order to avoid any delays, it would be optimal if you provided us with dates and times that you are considering stopping by our offices.

Aloha,

Clyde Sonobe

Of course the contracts referred to by Administrator Sonobe contained nothing that addressed the question about whether an RFP was required to contract with `Olelo.

CTPA believes that DCCA knew or should have known an RFP was required by state procurement law well before their 2005 request for exemption.

CTPA notes the Final plan has not been implemented by DCCA. CTPA believes it is a fair assessment to conclude that the DCCA 2004 Final Plan has not addressed what the 1997 reports calls, "the fundamental issue was what is the vision for PEG access? ", nor taken the report's advice that "DCCA will have to limit involvement by other government entities in PEG access decisions. " DCCA has in fact increased this involvement to create the undue influence the public speaker faces today.

## Undo Government Influence

If one continued to read the 1997 report they would find this statement, "Once, disputes between program producers and PEG access organizations were in the fore. While these disputes continue, they have been elbowed aside by situations involving more influential institutions and individuals."

If you asks who these, "influential institutions and individuals" are, and how they manipulated the system to "elbowed aside" the public program producer, one will find education can be eliminated from consideration because it is a subset of government. Government is the institution, and the "influential individuals" are the people the government (DCCA) and cable companies appoint to the PEG boards. The non-first-come, discriminatory access confronting the public producer is therefore structural in nature, and DCCA is responsible for this institutionalized structural discrimination.

Consistent with the Hawaii Model outlined by CTPA the current DCCA PEG structure commingles the funding and the resources to perform the functions of Public, Education, and Government access together. This allows PEGs to making funding and resource allocations on an ad-hoc basis that is difficult if not impossible to track given the lax reporting requirements of DCCA. The current DCCA Director is on record stating there is no "legal requirement" to fund the sectors of Public, Education, and Government equally. This is true, but designing an opaque process and meaningless reporting requirements is not a legal requirement either, but this is the Hawaii Model currently in place.

CTPA's experience has been that the real function of these state controlled non-profit PEGs is not public speaker access, but a mechanism to slush resources back to government. To date DCCA has accomplished this through sole source contracts with PEGs in violation of state procurement law. This DCCA violation of law allowed the PEGs to accumulate experience providing PEG services while denying other independent service providers the opportunity to do likewise.

The DCCA recently requested PEGs be exempt from State procurement law by asserting that because PEG entities had a demonstrated track record of providing PEG services, The PEG's should be exempt from the law. The State Procurement Office initially approved the exemption, then rescinded the exemption, then denied the exemption. CTPA noted discrepancies in DCCA's exemption request and noted that an exemption approval would allow PEGs to unjustly benefit

from DCCA's eleven years of illegal contract violations. If DCCA had it's way the PEGs would be allowed to benefit from the fruit of the poisonous tree, and the SPO exemption would be tantamount to rewarding PEGs for DCCA's violation of state law. There are many entities both public and private that have the experience and qualifications to submit an RFP.

The public program producer has been ill served by this institutionalized structural discrimination embodied in the Hawaii Model. For example according to the Ho'ike Managing Directors annual report under the category "**Number of new users**" there were **no new users** in the years 2003-2004. In 2005 Ho'ike removed the Number of New Users category from their reporting entirely. Ho'ike has stalled in it's tracks serving select special and government interests that "elbowed aside" the public producer.

The Hawaii Model is intentionally complex and convoluted to mask the reallocation of funding and resources intended for use by the public speaker to government and other special interests. CTPA could go on for pages citing a multitude of instances, but a detailed analysis of a single aspect of this institutionalized discrimination against the public user will be presented here as but one exemplar representing a plethora of similar discriminatory practices. This example shows how the DCCA commissioned 2005 Independent Third Party Review, the Merina Report excluded the majority of complaints by public speakers regarding a policy of discriminatory practices by the PEG.

## The Merina Report

A reading of the DCCA commissioned independent accountant's report (the Merina report) reveals violations of agreed upon procedures by Merina, false statements to Merina by Ho'ike, and a summary of complaints by "type" that does not include the majority of complaints.

### **Violations of agreed upon procedures by Merina**

In the case of Ho'ike, Merina failed to include complaints in the summary because:

1. there were a large number by some individuals
1. those individuals had been terminated

Nowhere in the agreed upon procedures does it allow exclusion of complaints because there were "a large number by some individuals", nor exclusion based upon "terminated" status. Exclusion from Summary of Complaints based upon "large number of complaints by individual users", or because a user is "terminated" was not used by Merina to exclude complaints in other PEG audits. It is a violation of agreed upon procedures. To make matters worse the users alleged by Ho'ike to be "terminated" were, in fact not terminated. One user was "terminated" and later reinstated before the Merina report audit period began, and the other user was never "terminated" at all. Ho'ike knowingly fabricated and provided false information that individuals were "termination" to Merina to intentionally exclude complaints from the summary. Merina complied by ignoring the agreed upon procedures.

The Summary of Complaints about Ho`ike reported by Merina by type for 2003 are:

1. Technical Viewer 2
1. Technical User 0
1. Program Content 0

Seventeen (17) complaints were not summarized because of the large number from the same users and because those users were "terminated." Even if these 17 complaints were not excluded there would be no place to include them in the summary of complaints because no proper category "type" for these complaints existed. All 17 unlisted complaints regarded not program content complaints, nor technical viewer/user complaints, but **complaints of Ho`ike's violations of their own bylaws, rules, procedures, policies or agreement with DCCA.**

The agreed upon procedures for the Report Complaint Summary was structured by "types" that omitted a category for the vast majority of complaints regarding Ho`ike violations of their own bylaws, rules, procedures, and/or agreement with DCCA. While Ho`ike is responsible for providing Merina false information regarding users "terminated" status in an attempt to exclude complaints, DCCA is responsible for structuring the agreed upon summary "types" to exclude the majority of complaints from the summary report. DCCA as the oversight agency created a structural blind spot to conceal the central problem -- board violations of their own bylaws, rules, procedures, and agreement with DCCA.

CTPA will present one example of how the current PEG as structured by DCCA can be used to push the public speaker th the back of the access bus, while putting a government speaker in the drivers seat. CTPA calls this incident the end slate controversy.

## End Slate Controversy

Here is an outline detailing how a PEG access entity discriminates against the public speaker through selective enforcement of a policy, while ignoring such policy enforcement when a government speaker violates the very same policy.

1. public speaker submits program
1. program is rejected by PEG access entity because it lacks the required end slate with producer contact information
1. public speaker corrects end slate and resubmits program
1. public speaker views a government speaker program without an end slate
1. public speaker files an end slate policy violation complaint to the PEG entity and DCCA
1. DCCA informs public speaker they do not regulate PEG and refers public speaker back to

## PEG entity

1. PEG entity claims to initiate an investigation into the public speaker's allegation of government speakers end slate violation.
1. public speaker continues inquiry as to status of complaint while PEG entity investigates public speaker allegation
1. PEG entity continue to broadcast government speakers program for four years while they conduct investigation.
1. PEG determines after a four year investigation that government entity is in violation of PEG end slate policy.
1. government speaker puts end slate on program.

The public speaker was a member of CTPA. The government speaker was the U.S. Armed Forces. The PEG entity was 'Olelo. This is but one example from multiple instances of discrimination against public speakers based upon selective enforcement of policy. The public speakers program was not allowed even one airing without a proper end slate, but the government speaker was allowed to broadcast roughly 200 programs over a four year period. The consequences for the government speaker's four years of violation? Nothing beyond finally being compelled to comply with policy. The consequence from DCCA for the PEG's for this ongoing discriminatory practice of selective policy enforcement against the public speaker, but not the government speaker? Nothing.

DCCA allows this type of discrimination against the public speaker by PEG entities without any consequences, and considers the actions of the public entity to resolve the situation adequate and responsive. Although CTPA has presented a long and dirty laundry list of such discriminatory practices by PEGs to DCCA the vast majority remain unresolved to this day.

Edward Coll, President CTPA



kaiokauai@aol.com on 02/10/2006 11:37:14 AM

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 10 P 4: 43

To: cabletv@dcca.hawaii.gov  
cc:

A\_\_E\_\_P\_\_S\_\_

Subject: PEG Access Services, Strongly Supporting Ho'ike, Strongly Opposing RFP Process

FILE

Re: Public Education & Government (PEG) Access Services ? Testimony **Strongly Supporting Ho'ike**, our Kaua'i provider, **and Strongly Opposing an RFP process**.

Aloha kakou:

Please accept, for the record, this testimony supporting Hoi'ke based on my long-time relationship as a consumer / viewer, local producer of series-scheduled weekly programming (*Voices of Truth, One-On-One With Hawai'i's Future* by the Koani Foundation) and participation in innumerable productions as creative resource, researcher, writer, producer, director, on-screen talent, camera man, technical assistant, distribution manager and all-around gopher.

Since its relocation from Koloa, several years ago, the Ho'ike facility has been conveniently and centrally located in Lihu'e. The door has always been open, when we've needed access and assistance; the equipment has been periodically updated and maintained, as the budget allowed, to help us get our work done as smoothly as possible. The staff, from top to bottom are community 'ohana who are totally dedicated to the mission of Ho'ike and the benefit of Kaua'i.

Please accept, also for the record, my testimony opposing an RFP process to replace our current provider situation. This process would offer the opportunity for abuse by a monopolizing entity with no connection or dedication to the benefit of our Kaua'i community or the State of Hawai'i. It's possible that a successful, competitive low-bidder could be awarded the contract, and off-set the local losses by funding from a larger market, in order to control and manipulate local programming. Also, an immeasurable contribution to the success of the current provider situation is due to volunteerism. Situations in the past have shown that community volunteers disappear when an outside, commercial entity takes over. Please don't allow this to happen on Kaua'i.

Mahalo nui ke kokua, thank you for your consideration,

Kai'opua Fyfe, Director  
The Koani Foundation  
PO Box 1878  
Lihu'e, Kaua'i, 96766  
808 822-7643

2006 FEB 10 A 11: 21

A \_\_\_ E \_\_\_ P ☒ S ☒

FILE \_\_\_\_\_

February 9, 2006

DCCA  
Cable TV Division  
P.O. Box 541  
Honolulu, HI 96809

To Whom It May Concern:

I am writing in regard to the hearings being conducted by the DCCA concerning Peg Access Services. I am a board member at Ho'ike, but my comments are submitted in my individual capacity, as an independent producer, and as a member of the community at large.

#### I. PEG DOES AN EXEMPLARY JOB OF PROVIDING SERVICES TO THE PUBLIC

I became involved with community television while living on Maui when I saw a newspaper article advertising classes for non linear digital editing at Akaku. I immediately signed up and took every class offered at Akaku, from field and studio production, to make up, lighting, story boarding, and my favorite, non linear digital editing. The staff were like family. I can't begin to tell you how helpful and encouraging everyone was. I produced a dozen or more 30 minute documentaries and worked on two live television shows while there--Talk With The Mayor and The Maui News. Not only did this further my understanding of television production, but we were providing important informational content to the public.

When it came time for me to move back to my home on Kauai, I started using the facilities at Ho'ike. This time I wanted to produce my own television series and with the support and encouragement of the Ho'ike staff, a team of us was trained in television production. Staff also assisted us in our productions, and we were able to use the facilities for field productions, too. I can't speak highly enough of people like Boots Riggan, Jim Lucas, and J Robertson. They have helped me with numerous independent productions, as well.

When I was asked to serve on the Board of Directors of Ho'ike, I did not hesitate to do so, even knowing some of the challenges that were facing the Board. I did it because I felt it was my turn to give back. I have gotten so much from everyone at the two community television centers (Akaku and Ho'ike), and they have all been so supportive, I felt it was the least I could do. As a director, I am frequently at Ho'ike, and I am thrilled to see all of the young kids taking production classes and learning non linear editing. Ho'ike is responsible for a whole new generation of up and coming filmmakers on our island. I have NEVER seen anyone excluded from the "process" and was surprised to hear the testimony of Carol Bain last night stating that "individual users have been bypassed." This is simply not true. Unfortunately, Carol and her husband, Ed Coll, seem to have a grudge against Ho'ike for reasons that pre-date my involvement. I like both of them and hope our current Board can find a way to mend the rift as Carol and Ed have much talent to offer.

#### II. HOW CAN PEG ACCESS BE IMPROVED?

Again, speaking as an individual producer, and nothing against the Board and executive director, but I'd like to see extended hours a few nights a week so those of us who work all day can get a night or two in at the studio (or the computers). Also, the technology is changing so rapidly, we need to continually upgrade the equipment. Last year, I asked the Board to approve

DCCA  
2/9/06  
p. 2

the purchase of several 3 chip video cameras as all Hoike had at the time were one chip cameras. They did, and now our users have access to three chip cameras. I'm pleased to see new editing classes for Final Cut Pro which is rapidly becoming the industry standard. Ho'ike, in particular, can be improved by moving to a new location, outside of the flight paths, to a facility that is sound proofed and has more parking stalls.

### III. SHOULD PEG ACCESS BE SUBJECT TO RFP?

I don't think so, not at this time. RFP at this time will really rock the boat and could sink the ship. Perhaps in a few years, RFP might be appropriate, but right now, we have a new Board, some great new staff, and there would be a considerable loss of time, talent and resources to make us go through the bidding process right now. It would take our time and energy away from providing the services we give to the community and our youth. After two years, sure, i can see it. Competition is a healthy thing. But, then we'd need to ensure that we don't end up with a profit oriented, non community focused, group of investors, like corporate raiders, taking over what we've worked so hard to build up. Hoike's Board represents a remarkably diverse cross section of the community, we have highly talented staff, and our "users," including me, don't want to worry about losing this valuable community asset. So, I'm not in favor of RFP until the end of 2007, if at all.

Thank you.

Aloha,

A handwritten signature in cursive script that reads "Teresa Tico". The signature is written in dark ink and is positioned below the word "Aloha,".

Teresa Tico



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 21 A 9:46

A \_\_\_ E \_\_\_ P \_\_\_ S \_\_\_

FILE \_\_\_\_\_

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,





Carol Bain <bain@kauai.net> on 02/20/2006 11:19:38 AM

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 21 A 10:42

Please respond to bain@kauai.net

To: cabletv@dcca.hawaii.gov

cc:

Subject: Testimony from C. Bain

A\_\_E\_\_P\_\_S\_\_

FILE\_\_\_\_\_

>  
>  
> Testimony Submitted 2/20/06  
>  
> TO: DCCA via\* Email to cabletv@dcca.hawaii.gov  
> Cable Television Division; Department of Commerce and Consumer Affairs  
> 335 Merchant Street, Room 101  
> Honolulu, Hawaii 96813  
>  
> From: Carol Bain, president, Kauai Worldwide Communications, PO Box  
> 662320, Lihue HI 96766; email: bain@kauai.net <mailto:bain@kauai.net>  
> 808-246-2111  
>  
> DCCA PUBLIC MEETINGS- /Relating to public access television services,  
> whether the department should seek an exemption from the requirement  
> that those services be procured through a competitive bid process and,  
> if not, what requirements the department should include in any request  
> for proposal./  
>  
>  
> T\*HE HISTORY:\*  
>  
> For over a decade, the DCCA has been requesting and obtaining sole  
> source designation from the State Procurement Office for reasons that  
> included that the four Public Education and Government(PEG)  
> organizations in Hawaii, `Olelo, Na Leo, Akaku and Hoiike Community  
> Television, Inc., were providing essential government services.  
>  
> In 2005, the well funded (with state mandated funds of over \$3 million  
> annually) PEG organization, `Olelo, took the Office of Information  
> Practices to court to fight compliance with the Uniform Information  
> Practices Act. The court ruled that `Olelo and other PEGs do not have  
> to follow open records requests (HRS92F) because, among other things,  
> the organization is not providing a government function.  
>  
> Looks like `Olelo got what it asked for.  
>  
> One cannot have the state courts decide an organization is not  
> providing a government service and have a state agency turn around and  
> request for sole source designation for that same organization to  
> provide a government service.  
>  
> State Procurement Office grants sole source designations to

> organizations that provide essential government services, allowing the  
> state to bypass the Invitation to Bid (or Request for Proposal)  
> process. So, if the PEG organizations are not providing government  
> services, these organizations should not receive sole source designation.

>

>

> THE PRESENT: UNFAIR COMPETITION AND LACK OF SERVICES =CORRUPTED  
> MISSION:

>

> I attended the Feb. 8 meeting on Kauai (Oahu's is Feb.22) and provided  
> verbal input. I am now including my written comments.

>

> The original mission statement of PEGs supported first come,  
> non-discriminatory practices. The current mission as stated by Hoike  
> is not even close to what the federal mandate requires.

>

> The entire purpose of a PEG access organization is to empower the  
> users &ndash; to encourage them to make their own messages. From what I  
> have seen at Hoike, for instance, Hoike is not empowering anyone or  
> any organization but themselves.

>

> DCCA has provided sole source agreements with Hoike Kauai Community  
> Television and delivered hundreds of thousands of dollars each year  
> for over ten years with very little oversight, other than board member  
> appointments. Hoike refused to allow other non-profits to use  
> &ldquo;their&rdquo; equipment, even though it was purchased with  
> state-mandated funding, when offering Government Access services.

>

> In September 2003, I was on the board of The Benefit Network, a  
> nonprofit organization that bid against Hoike to provide County  
> government scope of services to document government meetings. The  
> Benefit Network was the successful bidder, was awarded the Kauai  
> County contract and performed government video services for government  
> access between October 1, 2003 and September 30, 2004. The Benefit  
> Network competed by quoting personnel time at competitive rates but  
> did not include the equipment costs. One would think Hoike would be  
> encouraging of independent producers to provide access services and  
> allow the use of government subsidized equipment for such purposes as  
> well. When I asked for equipment support for government access  
> purposes I was told &ldquo;no&rdquo;. Hoike used their designation as  
> PEG access provider to interfere with The Benefit Network's scope of  
> services. Around mid-way through the contract, Hoike refused to accept  
> SVHS tapes recorded in the two hour SP mode, and required The Benefit  
> Network provide SVHS tapes in the lower quality, six-hour EP mode.  
> This dramatically reduced the quality of the end product delivered by  
> the Benefit Network. Hoike also refused to use an updated playback  
> system purchased and installed in October, 2003, until after the  
> Benefit Network's year long contract expired, and could never cite a  
> clear reason for the delay.

>

> During the past two years, I have found the Hoike executive director  
> to not be forthcoming on this topic or other policies, including their  
> use of volunteer services and criteria for providing free services to  
> some groups but not others. I also do not believe he makes full

> disclosure to the Ho'ike board about policy issues or other complaints.

>

> One of the reasons I worked to offer government access services, is  
> that I have an expressed opinion that information aids citizens in  
> participating with government decision making. In 2005, I personally  
> offered my time as a volunteer to provide video documentation services  
> for the Kauai County Charter Commission. Hoike is well aware of my  
> professionalism and experience. However, Ho'ike's executive director,  
> J Robertson flatly turned me down and could not offer a reason. True  
> non-profit organizations rely on volunteers, but not Hoike.

>

> Regarding government video production services, it is my understanding  
> that the purpose of Hoike is to empower others. Instead of providing  
> service for the County, why not train two county workers and allow the  
> county to document their own meetings? In the long run this would save  
> government tax dollars.

>

> Now that Ho'ike is not getting their annual full funding, is Hoike  
> going to implement their "Hoike 2005 -2010 Self Sufficiency  
> Plan" in order to make enough profit to replace the portion of  
> the \$300,000 they are no longer getting from the DCCA? Please answer  
> this question: when this plan will kick in? If you read the plan,  
> Hoike intends to use the subsidized equipment and TV studio to compete  
> with private enterprise.

>

>

> THE CREATION OF A PREDATORY NONPROFIT:

>

> So, what the state has done is created a well-established production  
> entity that has all the video production equipment and subsidized  
> overhead in place to compete with private business and independent  
> producers. I would like all of you to think how difficult it would be  
> for an independent producer or another nonprofit to possibly compete  
> with an organization that has received these large state-subsidized sums.

>

> Now, these organizations will submit that they are best suited to  
> provide future PEG services. If they had been doing a good job that  
> may be true, but the opposite is true. These organizations have not  
> been fulfilling their mission of first come nondiscriminatory access  
> and empowering individuals to make their messages.

>

> The fair thing to do is to prevent the current four PEG organizations  
> that have benefited from years of sole source designation should be  
> prohibited from competing for at least the same number of years they  
> have benefited unduly. (I doubt if the state will do the fair thing,  
> for there is probably a law against it.)

>

> The rest of us in the business world had to apply for loans to buy  
> equipment during the past 10 years, and pay them off in addition to  
> completing work for hire.

>

> My private company, Kauai Worldwide Communications, Inc. is paying off  
> a federal Small Business loan now. My production company is already  
> suffering because of Hoike. Hoike provides preferential treatment to

> other well-funded non-profit organizations instead of to  
> disenfranchised individuals. I spoke to the Chamber of Commerce in  
> early 2005 and learned Hoike is providing video production staff and  
> equipment to that organization for free. Hoike videotapes their  
> quarterly meetings and puts these programs on their public access  
> channel 52 at prime time. My company cannot compete with free, or even  
> a rock-bottom state-subsidized fee. Hoike bids against me for  
> contracts, and underbid my company by \$20,000 in 2004 because they  
> have the advantage of all their overhead and equipment paid for by  
> state-subsidy.

>  
> In 2004 I asked the Hoike manager, J Robertson, if Hoike would  
> document the League of Women Voters of Kauai quarterly meetings  
> similar to the services provided to Kauai Chamber of Commerce.  
> Initially I was told yes but later was told no. When I asked their  
> criteria, I was told that the Chamber offered free membership to  
> Hoike. I then offered free membership in the League of Women Voters,  
> but J Robertson still said no. No criteria has ever been provided as  
> to their policy of what Hoike tapes for free with their own staff  
> versus what they refuse to produce.

>  
> For many years, at least one Hoike employee used Hoike job contacts  
> and the Hoike equipment for personal gain. This employee eventually  
> left Ho`ike. I personally saw this employee, during and after leaving  
> employment, use Hoike equipment to fulfill private video production  
> jobs. I do not know if money changed hands for the use of this  
> equipment, or just provision of special privileges.

>  
> The policy appears to be some are more equal than others, and the  
> policies change and shift with the wind.

>  
> This is what happens when the state government creates these entities  
> and then tries to distance themselves from oversight and  
> accountability. If DCCA just wants to create an entity to slush cable  
> franchise fees for education and government purposes, then do so. But  
> do not drape this process as some public access service, because it is  
> a dangerous practice that confuses the public and damages private  
> enterprise.

>  
>

> Recommendation: NO SOLE SOURCE FOR PEG ORGANIZATIONS:

>  
> Whether DCCA listens to this plea to halt the bad practice of sole  
> source subsidy to PEG entities or not, if DCCA is going to continue to  
> appoint these boards and give them these large contracts, here is what  
> should be in the scope of services:

>

> 1.

>

> Require the PEG entities comply with open records and open  
> meetings laws (Open Meetings Laws/Uniform Information Practices  
> Act). Provide these boards with the training on the Uniform  
> Information Practices Act, including how to properly agenda  
> meetings.

- >  
> 2.  
>  
> All board members should be required to participate in annual  
> board training on Sunshine laws and compliance. Explain that our  
> sunshine laws help citizens participate in the decision making  
> process. The open records laws protect private records while  
> allowing access to the public records.  
>  
> 3.  
>  
> Some PEG's, such as Hoike should be required to return its  
> bylaws to what they were originally in 1992, that would be a  
> step in the right direction because they rescinded, out of  
> ignorance and arrogance, many good aspects of their bylaws in  
> the late 1990's. with regard to Sunshine compliance and other  
> good practices.  
>  
> 4.  
>  
> Provide service to individuals, not just to organizations  
>  
> 5.  
>  
> Return to the mission to provide first-come, non-discriminatory  
> access (These organizations pick who they want to service and  
> give preferential treatment. Such as taping Chamber of Commerce  
> quarterly meetings for free with Hoike staff and equipment but  
> turning down other groups. No clear criteria set or policies  
> followed)  
>  
> 6.  
>  
> Clear and fair policies that support the mission (IE: no  
> preferential treatment to most favored)  
>  
> 7.  
>  
> If clear and fair policies are not followed, then the  
> organization should lose its funding or at least be fined a  
> significant sum for each infraction (IE: \$10,000)  
>  
> 8.  
>  
> Require Board to Hire paid staff with experience in community  
> development (not just marketing and advertising). Annual  
> evaluation of paid staff for all aspects of their job description.  
>  
> 9.  
>  
> Require the Annual report to be a public record with  
> accountability enforced by DCCA  
>  
> 10.

- >  
> Annual financial audit by 3<sup>rd</sup> party hired by DCCA (NOT PEG  
> entity- as accountant will have conflict of interest)  
>  
> 11.  
>  
> All executory contracts for over \$10,000 should be public record.  
>  
> 12.  
>  
> Sub-contracts over \$10,000 should be let for open bid process  
> and publicly advertised as a Request for Proposal  
>  
> 13.  
>  
> Annual elections by membership, with voter lists a public  
> record, and elections must follow standard, fair elections  
> practices.  
>  
> 14.  
>  
> A recommendation offered by DCCA consultants was once suggested  
> at at least half of the board be elected. This is a good  
> recommendation.  
>  
> 15.  
>  
> Each PEG entity should have an active producer group that meets  
> regularly, (IE: Production Committee,) made up the local active  
> producers that does not discriminate and has at least one board  
> member on the committee. The role of this committee is to advise  
> and made recommendations to the board on production policies and  
> procedures.  
>  
> 16.  
>  
> Equipment purchased from state-mandated franchise fees or cable  
> company CIP funds must be made available to all bidders on equal  
> basis. A list of equipment available should be provided in the  
> invitation to bid.  
>  
> Finally, I support the recommendations of the Community Television  
> Producers Association: DCCA should comply with state procurement law  
> and use the competitive bid process to procure public access  
> television services.  
>

POSTED ON: WWW.KAUAI.NET

Persistence of Vision WebLog

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 17 A 10:18

A \_\_\_ E \_\_\_ P ☒ S ☒

FILE \_\_\_\_\_

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

*Chanti Iriarte*



Koohan "Camera" Paik  
P.O. Box 481  
Kilauea, HI 96754

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS

2006 FEB 23 A 9:31

A\_\_\_\_E\_\_\_\_P\_\_\_\_S\_\_\_\_

FILE\_\_\_\_\_

February 15, 2006

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, HI 96809

Re: Exemption for DCCA from the requirement that public access televisions services be procured through a competitive bid process.

To the Department of Commerce and Consumer Affairs:

An effective public-access station is invaluable and leads to a vibrant community. An ineffective one is a big waste of public moneys.

As a former employee of Hoike: Kauai Community Television, I had seen far more corruption, duplicity and flagrant disregard for the community than I wish to know.

I have in my possession a sizeable file of instances where I, as a staff educator, was discouraged from providing outreach education to the community, discouraged from pursuing grants, as well as instances where discriminatory remarks were made by our General Manager, Mr. Jay Robertson, about our local kids' and teachers' abilities and motivation to learn. (By "local", I mean people of non-European descent born and raised in the islands.) It was appalling to hear these remarks from the leader of an organization whose mandate was to serve the community, a community which is mostly comprised of non-European-Americans.

Needless to say, Hoike's prolonged existence is one instance of a public-access television station where inexcusable amounts of public moneys have been going, and will continue to go, to waste, unless something is done, such as a bidding process for competitive services to the DCCA is instituted. This is an extremely dire situation.

I was fortunate to escape the destructive work environment of Hoike eight months ago, and thought I would never again have to think about, or peruse my file on, the station's misconduct. However, when I heard about these hearings, I felt that I owed it to the community to take a day off from my schedule to write this letter as very important testimony as to why it is absolutely essential that the DCCA not be exempt from procuring PEG Access television services through a bidding process.

Let me elaborate:

1) While organizing our student film festival, which took place in May 2005, I procured a prize of 45 five-dollar gift certificates from K-Mart. These were to be distributed to the second and third graders from Kapaa Elementary who won the Best Hawaiian Language Film. Mr. Robertson insisted I hand them over to him, which I did. They were never seen again.

It was a small amount, but it would have meant so much to the children. I feel so much shame on the part of Hoike and Mr. Robertson, who, for some inexplicable reason, saw the need to steal from the children of our community.

2) Hoike policy clearly states that any staff member found with drugs would "not be tolerated." Yet, Mr. Robertson, who pled guilty in December 2005 to a misdemeanor charge for the possession of marijuana, was able to float above a policy which would apply without exception to the "underlings." It is an outrage that, between Mr. Robertson and his passive board of directors, Hoike harbors the most undemocratic of values. I have heard from those still on staff that this particular passivity has had a tremendous negative impact on staff morale. Surely, no good to the community can come from an organization whose actions continuously and seriously violate democratic values.

3) The most clever and insidious tool of corruption is an accounting and inventory program called "Facil." This is a computer program which Hoike uses to inflate its quantifiable value to the community. For example, "value to the community" is expressed by the dollars-worth figure of equipment which is checked out by producers. In other words, how much per day per item is given a dollar figure, say \$150 for a video camera. Throw in a microphone, and that's \$30 more, hypothetically. Some cables, a tripod, a light kit, and the total value for one day's rent could easily total \$400. Minimum check-out time is two days, which would be \$800 "value" to the community. Usually, producers extend their check-out period to four days (\$1,600 "value"), and often a check-out is extended to a week and a half (\$4,000).

For those producers who are simply delinquent and just never get around to returning the equipment, the software keeps adding that \$400 per day that the equipment is missing to the total of Hoike's "contribution to the community." At the end of the year, the figures which supposedly express how much Hoike has benefited the community are astronomical, and needless to say, fallacious, in terms of "real" benefit to the community, especially if you look in the Hoike files to see how many individual producers were actually checking out equipment, and how long they had the equipment for.

In the eight months that I was with Hoike, the total of individual producers easily numbered less than 20. On the other hand, looking only at the dollar amount that represents value to the community would lead a person to think the numbers of producers totaled near 100 or so. For someone unaware of this accounting scam, as I once was, one

cannot help but be deceived into believing the station is fulfilling its mandate with enormous success.

I remember attending the 2004 Christmas party as Mr. Robertson was boasting of these high figures, for the benefit of important guests, such as Councilwoman JoAnn Yukimura. Ms. Yukimura clapped and nodded with approval, convinced that these figures were evidence of Hoike's tremendous contribution to the community. In reality, Mr. Robertson had duped her, along with his own board members, and the rest of the guests.

4) If you were to look at Hoike reports which tabulate the number of facility users, you can see the fairly low numbers, with the exception of the months I was employed – October 2004 to May 2005. During those months of my employment, you would probably see a marked increase in the number of users. That's because I initiated our collaborations with Ke Kula Ni'ihau O Kekaha, Kapaa Elementary, Kapaa High School, Eleele Elementary and Kalaheo Elementary. Every step of the way, my outreach endeavors were made excruciatingly difficult by management, even though it was management who had hired me to do just that.

It is interesting to note that Mr. Robertson initiated one education-outreach program on the heels of the decision to hold these DCCA hearings. According to an unidentified Hoike staff member, this, along with accompanying publicity in the Garden Island newspaper, was all an eleventh-hour effort to get facility-user "numbers" up in time to present them at the hearings, and show "proof" of the station's community service.

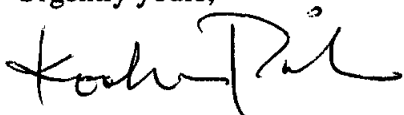
Indeed, Mr. Robertson will work, if his job depends on it, which proves the necessity that the DCCA should follow regulation by proceeding with a competitive bidding process, rather than handing the contract to Hoike, with little or no accountability. A bidding process keeps vendors honest. Exemption creates a situation where laziness and irresponsibility – even corruption – can easily go unchecked, as has been the case at Hoike: Kauai Community Television.

5) After my departure from Hoike, the only other education-outreach program was begun with the Children's Discovery Museum in Kapa'a, teaching kids video production for a watershed education program. I was not present at any of the classes, but I can report that in early January, the coordinator of the program, Linda Sciaroni, contacted me, desperate to hire me, because of what she described as "unprofessional" and "unreliable" behavior on the part of Hoike.

6) Though Hoike claims to give studio access to producers, the procedure is set up in such a way as to make it nearly impossible. In order to access the studio, one must first have taken the studio production class. In the eight months that I was at Hoike, the class was not offered once. In other words, in order to use the studio (which is ostensibly for the public's use), the producer is required to take a class which is not offered! Again, policy and procedures have been put in place to discourage producers from access, thus requiring as few services as possible from Hoike, while the DCCA money flows in.

Clearly, a bidding process to procure the services that Hoike has been providing is LONG OVERDUE. The sooner this happens, the sooner the winning bid provider can get on track serving a deserving community.

Urgently yours,

A handwritten signature in black ink, appearing to read 'Koohan Paik', with a stylized flourish at the end.

Koohan "Camera" Paik

cc: State of Hawaii Procurement Office  
Mark J. Bennett, State of Hawaii Office of the Attorney General  
Mayor Bryan Baptiste  
Hon. Kaipo Asing  
Hon. Jay Furfaro  
Hon. Jimmy Tokioka  
Hon. Mel Rapozo  
Hon. Shaylene Iseri-Carvalho  
Hon. JoAnn Yukimura  
Hon. Daryl Kaneshiro

# THE DEARTH OF LOCAL-ORIGINATED PROGRAMMING IS ONGOING PROOF OF HOW HO'IKE FAILS THE COMMUNITY.



**Program Schedule on Ho'iKE Kauai Community Television for the Week of Jan. 23—29, 2006**  
Schedule for regular programs, for details regarding additional programs checkout website at [www.hoike.org](http://www.hoike.org)  
Ho'iKE channels: 52 Public, 53 Government, 55 Education & 56 Education Plus ... Programs may be substituted without notice

## KCTV - Channel 52 (Public Access)

### MONDAY

12a to 5a Arts & Entertainment Block  
6:00a Community Camera  
7:00a Music and the Spoken Word  
12:00n OPEN MIC, Humane Society  
1:30p-2:30p IVBB  
3:00p Community Camera  
5:30p Music and the Spoken Word  
6:00p OPEN MIC, Humane Society  
8:00p Church at Koloa

### WEDNESDAY

12a to 5a Issues-Oriented Block  
6:00a Community Camera  
7:00a Calvary Chapel Kauai  
12:00n OPEN MIC, Humane Society  
1:30p-2:30p IVBB  
3:00p Community Camera  
6:00p OPEN MIC, Humane Society  
8:00p Koloa Missionary Church  
9:00p What Every Catholic Should Know  
10:00p Astrology w/Rollin Frost

### FRIDAY

12a to 5a Sports Block  
6:00a Community Camera  
7:00a The Truth Shall Set You Free  
8:00a IMUA TV  
8:30a Voices of Truth Series  
12:00n OPEN MIC, Humane Society  
1:30p-2:30p IVBB  
6:00p Community Camera  
9:00p Tomorrow's World  
10:30p Aloha Sports

## KGTV-Channel 53 (Gov't Access)

### MONDAY

6:00p Kuleana, Police Commission

### TUESDAY

6:00p Kuleana, Charter Commission

### WEDNESDAY

6:00p Kuleana, Planning Commission

### THURSDAY

6:00p Kuleana, Planning Commission

### FRIDAY

6:00p Kuleana, County Council

### SATURDAY & SUNDAY

6:00p Kuleana, County Council

*Frequency of meeting replays depend on the length of meetings. Check [www.hoike.org](http://www.hoike.org) for additional program schedule details.*

## KUTV - Channel 55 (HTEC)

### UNIVERSITY DISTANCE LEARNING:

Schedule of programs is available at [www.hoike.org](http://www.hoike.org) & Oceanic Channel 12

## KETV - Channel 56 (HTEAC)

### UNIVERSITY DISTANCE LEARNING:

Schedule of programs is available at [www.hoike.org](http://www.hoike.org) & Oceanic Channel 12

### TUESDAY

12a to 5a Community Service Block  
6:00a Community Camera  
7:00a Church at Koloa  
12:00n OPEN MIC, Humane Society  
1:30p-2:30p IVBB  
3:00p Community Camera  
6:00p OPEN MIC, Humane Society  
8:00p Calvary Chapel Kauai  
9:30p Key of David  
11:00p Community Camera, Humane Society

### THURSDAY

12a to 5a Health & Well Being Block  
6:00a Community Camera  
7:00a Koloa Missionary Church  
8:00a What Every Catholic Should Know  
12:00n OPEN MIC, Humane Society  
1:30p-2:30p IVBB  
3:00p Community Camera  
5:30p Astrology w/Rollin Frost  
6:00p OPEN MIC, Humane Society  
8:00p IMUA TV  
8:30p Voices of Truth Series  
9:00p The Truth Shall Set You Free  
11:00p Community Camera, Humane Society

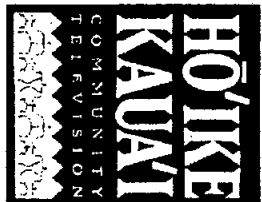
### SATURDAY & SUNDAY

12a to 5a Inspirational Block  
6:00a Community Camera, Humane Society  
8:30a Russell the Rooster  
9:00a Aloha Sports  
12:00n -1:00 IVBB  
4:00p Aloha Sports  
5:30p Community Camera, Humane Society  
8:00p Huna Talk

Check Ho'iKE website for our monthly Basic Video Production classes and call 246-1556 for information and registration.

For more details on additional programs being cable cast on Ho'iKE go to our web site at [www.hoike.org](http://www.hoike.org)

4211 Rice Street #103, Lihue, Hawaii 96766 • ph: (808) 246-1556 • fax: (808) 246-3832 • [www.hoike.org](http://www.hoike.org)





**K.I.D.S.**  
**KAUAI INDEPENDENT DAYCARE SERVICES, INC.**  
1346 INIA STREET, KAPAA, HI 96746  
(808) 822-0262, FAX: (808) 822-0047

2006 FEB 23 A 9:31

A\_\_\_\_E\_\_\_\_P\_\_\_\_S\_\_\_\_

FILE\_\_\_\_\_

February 21, 2006

Cable Television Division  
Department of Commerce and Consumer Affairs  
PO BOX 541  
Honolulu, HI 96809

**RE: General input/ comments on issues relating to public access television services (HOIKE Community TV)**

To Whom It May Concern:

I would like to express my sincere appreciation and personal mahalo for the wonderful coverage we have received by your extended scheduling and airing of K.I.D.S. School Programs through the years. As you know, K.I.D.S. (Kauai Independent Daycare Services, Inc.) is a non-profit pre-school for 78 three and four year olds in Kapaa. Through the various people that spoke to me regarding, "I saw your program" it is evident you have a broad base of viewers from all of Kauai. From Senior Citizens, professional people to the young man at the service station they were all tuned in to HOIKE.

Over the years, HOIKE has grown to become a viable source of local information as it works to fulfill the diverse communication needs on Kauai.

It has brought government proceedings into everyone's home as well as hearings and meetings that play important roles in the future of Kauai. We are looking forward to the continuation of HOIKE playing a large role in disseminating coverage of government meetings, local interest meetings and other complex services that pertains to Kauai residents.

The bulk of news coverage now comes from Oahu stations and is about Oahu.

I appreciate the accessibility we have with HOIKE for non-profit organizations. HOIKE is extremely willing to air informational and educational programs as well as being willing to train while using their equipment and facilities. As a member of the Kauai council of Good Beginnings Alliance I have worked closely with Boots Riggans. We now have regular scheduled hours to air video tapes on the latest research on brain development, "wiring" of the brain, parenting skills, health and nutrition, etc. that will reach a far greater audience than would be otherwise possible. This has the potential of educating parents and the extended Ohana in the raising

of these children which will have a positive effect on the successes these children will have as an adult, and as the future citizens of Kauai.

On Kauai the PEG providers have a history of serving their communities well and there is no logical rationale for putting this valuable resource up for grabs without any guarantee to the residents of the island.

Sincerely,

A handwritten signature in black ink, reading "Phyllis Kunimura". The script is fluid and cursive, with the first name "Phyllis" written in a larger, more prominent style than the last name "Kunimura".

Phyllis Kunimura  
Director



Ed Coll <coll@kauai.net> on 02/23/2006 10:51:02 AM

Please respond to coll@kauai.net

To: cabletv@dcca.hawaii.gov  
cc:

Subject: Final Testimony of CTPA President Edward Coll

Aloha,

Please find attached in the electronic format in which it was created (HTML) the testimony of Edward Coll. It is basically the same as my prior written testimony with the addition of a conclusion, and the correction of typos. You therefore have my permission to replace my prior testimony with the attached testimony for the public record.

## **Hawaii Public Access Model**

### **Pushing the public speaker to the back of the access bus**

My name is Edward Coll. I am a former Ho'ike Board Member, a former "terminated" public producer, and the current President of the Hawaii Community Television Producers Association or CTPA. CTPA is the oldest non-profit corporation representing the interests of the public access producers in the State of Hawaii. CTPA predates all the state created PEG non-profits. I am also a lifelong advocate of participatory democratic communications, and an avid participant/observer, and practitioner of participatory action research. This means I test systems for functionality by using them.

DCCA's notice stated the purpose for these public comment meetings is: seeking to obtain the public's general input and comments on issues relating to public access television services, whether the department should seek an exemption from the requirement that those services be procured through a competitive bid process and, if not, what requirements the department should include in any request for proposal.

The position of CTPA is that:

1. DCCA should not seek an exemption from state procurement law.
1. DCCA should comply with state procurement law and use the competitive RFP bid process to procure public access television services, and
1. the management and funding of the public, education, and government access television



services be separated into three distinct sectors to ensure transparency, oversight and accountability.

CTPA recommends:

1. Splitting the PEG funding into three allocations. CTPA recommends an allocation split of 60% for the Public, and 20% each for Government and Education (which is also Government).
1. Let E and G sectors determine how to allocate their funding to meet their mission(s).
1. Follow state procurement law to release an RFP for Public Access services.
1. Contractually require the successful Public Access service provider to strictly comply with all applicable state open records and sunshine laws.
1. Contractually require the successful Public access service provider to strictly comply with their first-come, nondiscriminatory mission.

If DCCA requests and is granted an exemption from state procurement law, CTPA would recommend the sole source PEG be contractually obligated to comply with:

1. the "first-come, non discriminatory access" federal mandate,
1. a contractual prohibition against bidding on RFPs, or any "for pay" contracts,
1. a contractual prohibition against "facilitated productions" ( producing programs for speakers instead of training speakers to use the technology for themselves) and
1. all applicable state open records, and sunshine laws.

From CTPA's perspective government actors (including education) have pushed the public speaker to the back of the access bus as predicted in a variety of DCCA commissioned reports which evidently are gathering dust on a shelf somewhere. CTPA has exhumed these documents to discovered a history of what our members have experienced first hand. DCCA has created a PEG model which has institutionalized discrimination against the public speaker. CTPA believes that:

1. lack of DCCA oversight,
1. the lack of competitive RFP process and
1. the co-mingling of PEG funds, administration, functions, and missions are at the root of the systemic institutionalized discrimination confronting the public speaker.

CTPA calls this triad 'The Hawaii Model'.

# The Hawaii Model

If one wanted a model to collect and divert public money and resources away from the public producer to government uses (without raising taxes) while claiming it's for "public access" -- look no further than the Hawaii Model.

The dysfunctional Hawaii Model offers:

1. Central franchising authority that provides unitary control (no worry about localism here)
1. No need to raise taxes (politicians of both parties like this feature)
1. Money is collected from cable subscribers by the cable company as part of their cable bill (No pay, no play, no option)
1. Money is transferred directly from subscriber to the cable company to the PEG non-profit where resources are slushed back to government uses (a state mandated stealth user tax on cable subscribers that does not go through the general fund)
1. The government created non-profits has no members except the board itself, and
1. The government appoints the board majority
1. PEGs become government subsidized profit centers that are allowed to compete with independent producers for lucrative "for-pay" contracts
1. The non-profits creates an arms length distance from legal liability to protect the states deep pockets by outsourcing responsibility to the comparatively shallow pocketed non-profits PEGs.
1. Designed-in blind spots make reporting requirements easy for the PEGs and oversight by DCCA completely ineffective.

Yes the Hawaii Model has it all. The only problem with this model is that the individual public producer must be pushed to the back of the access bus, or better yet pushed off the bus entirely if this diversion of public resources is to be slushed un-noticed back to government uses and the special, not public, interests serviced by DCCA oversight policies. These DCCA policies were developed in direct contradiction to a variety of DCCA commissioned reports and recommendations from several state Senators.

## The Reports

In a 1989 report commissioned by Department of Commerce and Consumer Affairs (DCCA), the state's cable franchise authority and the agency responsible for the administration and oversight of Public Education, and Government (PEG) access, commissioned a report from nationally-known PEG consultant Jean Rice. The Rice report recommended an initial seven

member PEG boards consisting of four board members appointed by the governor and three board members appointed by CTPA. Rice also issued a perceptive warning.

"the level of volunteer participation in access has been so significant over the years that any structure that does not allow full representation by community [producers] and other community representatives should not be an option considered by the State." - From the Legislative Reference Bureau (LRB) report Unscrambling the signals

Despite this warning by Rice the 1995 LRB report tersely stated:

"The State chose a different model for its access organizations, one involving appointments by government and cable companies, with no specific representation for the independent producers."

The LRB report offered no explanation, nor justification for this DCCA action taken in direct contradiction to their own consultants recommendation and warning.

In a November 5, 1998 a letter from Hawaii State Senators, Les Ihara, Carol Fuginaka, and David Ige to the 'Olelo Chairman (and copied to the Director of DCCA) the Senators wrote:

"Having CTPA representatives on the Olelo Board of Directors would in our opinion, help to provide community producers access to policy decisions on Olelo operations and its management, improve relations between the Olelo Board and CTPA, and enhance Olelo's effectiveness in serving the cable television-viewing public."

The opinion was ignored and in fact both 'Olelo and Ho'ike have been waged a protracted war of attrition on CTPA. Some CTPA members have been "terminated" without cause. Being a member of CTPA has assured discrimination by the PEGs, especially 'Olelo on Oahu and Ho'ike on Kauai. CTPA membership became a liability. Both Ho'ike and 'Olelo attempted end runs around CTPA by creating their own producers associations, advisory groups, program committees, etc. all of which were later unilaterally dissolved by 'Olelo and Ho'ike when input from these entities became problematic.

As DCCA's consultant Rice, and Senators Ihara, Ige, and Fuginaka correctly noted, excluding public producers access to policy decisions (rules, procedures, and bylaws) of PEG was a error of such a fundamental nature that the public sector of public access' very survival now hangs in the balance.

If one were to begin reading the 1997 DCCA commissioned report "Disputes over PEG Resources" and stopped reading after the subtitle "Splitting the baby is not the solution" one would incorrectly conclude that splitting Public, Education, and Government functions into three separate functional units is a very bad idea. No one wants to cut up a baby.

The question CTPA has for DCCA is who authored this subtitle and why does the subtitle contradict the Executive Summary conclusion? The conclusion reads:

"if community control remains the foundation of PEG access, the government will have to rescue PEG access from itself. DCCA will have to limit involvement by other government entities in PEG access decisions."

Again, DCCA ignored their own commissioned report. DCCA chose not to "limit involvement

by other government entities" but indeed, increased it as exemplified by DCCA's recent actions regarding Akaku.

The report conclusion continues:

"though the government, as represented by the public education system, the State Legislature, and the county governments, might be appropriate beneficiaries of funds and channel time, they are not the decision makers in the current scheme: the PEG boards of directors are. DCCA should endorse and support the current model, or develop and implement another."

Again CTPA notes the report does not conclude, "splitting the baby is not the solution" but advises DCCA "support the current model, or develop and implement another." CTPA disagrees with the conclusion to support for the current model because the report incorrectly concluded that representatives of education, the legislature, and county government are not the decision makers. This conclusion is incorrect in light of the fact that DCCA appoints the PEG board(s) majority, and indeed those DCCA appointments have stacked PEG boards with board members sympathetic to E and G interests. The sole exception to PEG boards domination by DCCA appointed board members with E and G special interests is Akaku, the PEG on Maui, where DCCA has increased thier government involvement at the behest of another government entity education.

Not surprisingly the other PEG boards are dominated by DCCA appointed individuals favoring government interests. The current power struggle at Akaku serves to highlight the disputes over PEG resources when a majority of Akaku board members attempt to represent the interests of the public speaker. One of the 1997 report recommendations was to "Resolve the PEG structure in Maui County," yet DCCA has failed to do so. Sadly, DCCA appears to be a far-from-neutral party in this ongoing struggle for control of Akaku resources. In the opinion of CTPA, DCCA has inappropriately intervened on behalf of government (education) interests. The nail that sticks up gets pounded back down.

Fifteen years after the Rice report recommending a board structure, "to allow full representation by community producers" the DCCA in 2004 issued a johnny-come-lately, half-hearted mandated that each PEG hold an election to seat just one public producer.

## **The Election**

The PEGs resisted this 2004 DCCA election mandate and initiated a skewed and less than transparent election process which violated best practices for fair elections. For example, both Ho'ike and 'Olelo denied public producer candidates running for the board the public contact information (addresses and phone numbers) of the eligible voters. This created the ludicrous situation of holding an election where candidates were unable to contact eligible voters to ask for their vote.

This scheme of withholding public information from candidates gave PEG board and staff members the ability to potentially lobby voters on behalf of their preferred candidates. Unlike the public producer candidates who were unable to contact voters for support, the PEGs were in possession of the voter contact information and could use it for lobbying purposes. They obtained

this information as a required condition of public access. All program producers are required to complete and sign a "required for public disclosure" form prior to their program being broadcast. This form requires a contact address and phone number, yet the PEGs refused to make this public information available to public producer candidates.

CTPA has no proof that PEGs used the undisclosed information they had in their possession to influence the outcome of the election, but CTPA is claiming the failure to disclose this public information created this possibility, and also provided plausible deny-ability for the PEGs if they were accused of undue influence. At Ho'iike, ballots were stuffed in an unlocked cardboard box in the Managing Director's office, and counted by a former Ho'iike board member a day before independent observers were told they could monitor the ballot count. Such actions make a mockery of fair election practices.

Here is the 7-14-2004 complaint to DCCA from CTPA:

Director Recktenwald,

This is a formal complaint that Hoike intentionally designed (and conducted) an election process to prevent assessment of the integrity of the election results by:

- \* Failure to involve users in the process
- \* Failure to follow the published election time line
- \* Failure to allow independent third party oversight
- \* Failure to allow independent third party ballot count observers
- \* Failure to secure ballots
- \* Failure to follow standard election procedures (IE: not keeping ballot log: allowing staff to handle ballots without independent third party observers)
- \* Failure to provide candidates with the "Public Disclosure Information" required on every videotape submission form and broadcast program to allow candidates to contact voters. These were intentional failures implemented by Hoike to make it impossible to evaluate the integrity of the election outcome. There is no independent verification that everything was done fairly. The past documented misappropriation of public monies and subsequent cover-up by Hoike board and staff make their "word" highly suspect.

Please recover the misappropriated public monies, remove those board members, and staff responsible for the misappropriation and cover-up, nullify this flawed election, and do not renew the PEG contract with Hoike.

Edward Coll – CTPA President

Meanwhile CTPA VP Jeff Garland on Oahu filed complaints about 'Olelo's unfair election practices. DCCA copied their response to CTPA VP Garland, and cc'd me to address my concerns as well. Here is the relevant sections of DCCA's response from 9-21-2004:

"Election process details were left up to the PEG access entities. As a result, we are unlikely to require a supervised recount or to review the ballot envelopes. We would, however, take evidence of a fraudulent or patently unfair election into account in determining whether to renew any PEG contract. As a result, we are grateful for your interest and invite you to provide us with any factual evidence of this type.

CTPA cannot provide "factual evidence" that unfair election practices by Ho'iike and 'Olelo (what DCCA calls "election process details") were used to influence the election outcome. CTPA

can only provide evidence that such practices would **allow** for such and outcome. DCCA is requiring a standard of evidence that these violations of fair election practices were **actually used** to conduct "a fraudulently or patently unfair election." CTPA of course does not have this evidence since the unfair election practices both creates the possibility of fraud, and provides plausible deny-ability that fraud occurred.

CTPA believes DCCA bears full responsibility for allowing these elections to proceed under these circumstances despite CTPA protests of improper oversight and evidence of numerous violations of fair election practices, by both 'Olelo and Ho'ike. This flawed election mandated by DCCA was part of what DCCA calls "The Final Plan."

## The Final Plan

The 1997 report "Disputed over PEG Resources further recommended DCCA:

1. Develop a statewide vision.
2. Endorse models to support that vision.
3. Resolve the PEG structure in Maui County.

DCCA's efforts to establish a statewide vision and model to support that vision came seven years after the 1997 report, released January 2004, it is summarized in the "Department of Commerce and Consumer Affairs' ("DCCA") Final Plan for Public, Education, and Government ("PEG") Access Executive Summary - January 2004 (the Final Plan)" CTPA was pleasantly surprised that the DCCA final PEGs plan called for:

"Ensuring Openness and Accountability in PEG Operations. All PEGs overseen by DCCA will be required to adopt bylaws and policies consistent with the requirements of Hawaii's public meetings and open records laws."

CTPA has found the PEGs adamantly opposed to open records and sunshine law. In 2005 CTPA was not surprised that 'Olelo would take the lead for the other PEGs and spent around \$100,000 of their state mandated public funds to sue the state Office of Information Practices (OIP) to obtain a declaratory judgment that PEGs were not required to follow open records law.

**This PEG lawsuit was triggered by requests from CTPA members and other producer candidates who request the contact addresses and phone numbers necessary to campaign for a PEG board seat in the DCCA's mandated election.**

Also no surprise to CTPA is the fact that DCCA has to date failed to contractually require PEGs to adopt, "Bylaws and policies consistent with the requirements of Hawaii's public meetings and open records laws" but has instead has engaged in multi-year contract extensions in violation of state procurement law.

Highlighting the DCCA's Final Plan's lack of vision is the fact that the Final Plan made no mention of the RFP process under discussion today. This is despite the fact that the sole source versus the competitive RFP bidding process issue was brought to DCCA attention eleven years ago. In 1995 on the island of Kauai the Executive Director of Ho'ike, in a letter to the County of

Kauai, asserted the DCCA had designated Ho'ike as the **sole source designee for government program production and broadcast**. An independent production company notified both the County of Kauai and the DCCA that Ho'ike's assertion was incorrect. The production company argued that although DCCA had designated Ho'ike as the sole source to manage the government channel, DCCA had not designated Ho'ike as the sole source for the production of government programs.

The DCCA agreed and confirmed Ho'ike had only been designated by DCCA as the sole source contractor for the management of the government access channel. Ho'ike had misinformed the County of Kauai. As a consequence since 1995 the County of Kauai has used the RFP process, and in 2003 another non profit, The Benefit Network, successfully bid on and successfully completed a one year contract to provide all County of Kauai government program productions.

This non profit organization assumed that the Ho'ike production assets that Ho'ike had used to complete the previous government contracts would be made available to any successful bidder. Ho'ike, however, removed all in-place government production equipment and refused to allow the successful bidder access to the production equipment and the Ho'ike studio. Ho'ike asserted that their rules and procedures disallowed the use of Ho'ike equipment by any entity engaged in a contract-for-pay.

Ho'ike was unable, however, to cite the specific rule or procedure that forbid this, nor could Ho'ike explain how they themselves were able to exempt themselves from their own alleged rules and procedures, and use their production assets to engage in contracts-for-pay while denying other bidders this same access. Complaints from the successful non-profit bidder were to no avail and DCCA allowed Ho'ike to engage in this anti-competitive practice.

The successful non-profit bidder was forced into a position of not only providing the production services, but also had to provide the production equipment to complete the contract.

When the contract was completed September 2004, the County of Kauai tendered another RFP but this time required studio access as a condition of the RFP. Ho'ike again became the successful bidder using their subsidized studio assets as well as their subsidized remote production assets to underbid any potential competitor, again with the blessing of DCCA. Under such conditions Ho'ike again became the successful bidder.

The point is that the only successful non-profit bidder for the County of Kauai contract is the exception to the rule. That rule is:

**that a state subsidized entity will in the vast majority of cases be the successful bidder against non state subsidized entities.**

This is tantamount to DCCA, the oversight agency, allowing Ho'ike sole use of state mandated subsidized production assets to bid on competitive contracts-for-pay against non-subsidized organizations who are denied access to this publically subsidized equipment.

While the Final Plan is silent on the RFP issue of sole source PEG services by DCCA itself, the DCCA Final Plan's vision intends to allow this unfair and anti-competitive practice by the PEGs to continue. The Final Plan states:

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

CTPA notes that PEGs are not limited by DCCA to bidding only on government contracts nor just against private organizations. The DCCA is giving PEGs the discretion to also bid on any contract-for-pay against any organization including other non-profits. CTPA believes it is fundamentally unfair to use subsidized production assets intended for public producers use to be used by PEGs to compete with other public and private non-profit entities, especially in light of the recent revelation that DCCA has been violating State procurement law for 11 years effectively excluding other non-subsidized public and private organizations from bidding against the PEGs.

The lesson to be learned is that if fairness and a level playing field are the goal, then the state mandated, cable subscriber funded subsidized assets should be made available for use by the successful bidder. If this is not done then releasing an RFP is a mere formality, and in no sense a real attempt at a fair competitive bidding process.

DCCA has accepted the Ho`ike 2005-2010 Self Sufficiency Plan in which Ho`ike states they plan to become self sufficient by engaging in the following activities:

Ho`ikes plan to compete with the private sector by engaging in "any number" of the following "fee for service" activities:

1. compete with video producers on the island by providing video production services for non-access purposes.
1. compete with equipment rental companies by renting equipment (video projectors, etc.) for non access purposes.
1. compete with hotels and rent space for conferences, meetings, etc. for non-access purposes.
1. compete with captioning services by providing off line captioning for non-access purposes.
1. compete with media duplication houses by offering duplication services for non-access purposes
1. compete with corporate consultants and curriculum designers by producing training videos for non-access purposes.
1. compete with video producers by producing political spots for candidates for non-access



purposes

CTPA further notes that DCCA was aware in 1995 of this RFP issue between Ho`ike, the independent production company, and the County of Kauai, and it should have raised a red flag regarding DCCA's own practice of not following the RFP open bidding process in violation of state procurement law.

If red flags were not raised for DCCA in 1995 they certainly should have been raised in 2001 when CTPA Vice President Jeff Garland emailed DCCA Cable Television Administrator Clyde Sonobe the following email:

Dear Clyde,

I require information that spells out the procedures DCCA must follow in order to designate a nonprofit as an access organization. Also, when any access organization is renegotiating their contract with DCCA, are there specific procedures that must be followed by DCCA? Is DCCA required to post a public notice or Request for Proposal?

Sincerely,

Jeff Garland

Here is Cable TV Administrator's non-responsive reply:

Mr. Garland,

I understand that you already have a copy of the contract between Olelo and the DCCA which should provide the information that you are seeking. If by chance you do not have a copy, they are available for your review here in our offices. In order to avoid any delays, it would be optimal if you provided us with dates and times that you are considering stopping by our offices.

Aloha,

Clyde Sonobe

Of course the contracts referred to by Administrator Sonobe contained nothing that addressed the question about whether an RFP was required to contract with `Olelo.

CTPA believes that DCCA knew or should have known an RFP was required by state procurement law well before their 2005 request for exemption.

CTPA notes the Final Plan has not been implemented by DCCA. CTPA believes it is a fair assessment to conclude that the DCCA 2004 Final Plan has not addressed what the 1997 reports calls, "the fundamental issue was what is the vision for PEG access? ". The report's advice that "DCCA will have to limit involvement by other government entities in PEG access decisions" has been ignored. DCCA has in fact increased this involvement to create the undue influence the public speaker faces today.

## Undo Government Influence

If one continued to read the 1997 report they would find this statement:

"Once, disputes between program producers and PEG access organizations were in the fore. While these disputes continue, they have been elbowed aside by situations involving more

influential institutions and individuals."

If you asks who these, "influential institutions and individuals" are, and how they manipulated the system to "elbow aside" the public program producer, one will find education can be eliminated from consideration because it is a subset of government. Government is the institution, and the "influential individuals" are the people the government (DCCA) and cable companies appoint to the PEG boards. The non-first-come, discriminatory access confronting the public producer is therefore structural in nature, and DCCA is responsible for this institutionalized structural discrimination.

Consistent with the Hawaii Model outlined by CTPA, the current DCCA PEG structure commingles the funding and the resources to perform the functions of Public, Education, and Government access together. This allows PEGs to making funding and resource allocations on an ad-hoc basis that is difficult, if not impossible, to track given the lax reporting requirements of DCCA. The current DCCA Director is on record stating there is no "legal requirement" to fund the sectors of Public, Education, and Government equally. This is true, however, designing an opaque process and meaningless reporting requirements is not a legal requirement either, but this is the Hawaii Model currently in place.

CTPA's experience has been that the real function of these state controlled non-profit PEGs is not public speaker access, but a mechanism to slush resources back to government. DCCA has accomplished this through sole source contracts with PEGs in violation of state procurement law. This DCCA violation of law allowed the PEGs to accumulate experience providing PEG services while denying other independent service providers the opportunity to do likewise.

The DCCA recently requested PEGs be exempt from State procurement law by asserting that because PEG entities had a demonstrated track record of providing PEG services, The PEG's should be exempt from the law. The State Procurement Office initially approved the exemption, then rescinded the exemption, then denied the exemption. CTPA noted discrepancies in DCCA's exemption request and noted that an exemption approval would allow PEGs to unjustly benefit from DCCA's eleven years of illegal contract violations. If DCCA had its way the PEGs would be allowed to benefit from the fruit of the poisonous tree. The SPO exemption would be tantamount to rewarding PEGs for DCCA's violation of state law. There are many entities both public and private that have the experience and qualifications to submit an RFP.

The public program producer has been ill served by this institutionalized structural discrimination embodied in the Hawaii Model. For example according to the Ho'ike Managing Directors annual report under the category "**Number of new users**" there were **no new users** in the years 2003-2004. In 2005 Ho'ike removed the Number of New Users category from their reporting entirely. Ho'ike has stalled in its tracks serving select special and government interests that elbowed aside the public producer.

A detailed analysis of this institutionalized discrimination against the public user will be presented here as an exemplar representing a plethora of similar discriminatory practices. This example shows how the DCCA commissioned 2005 Independent Third Party Review, the Merina Report, excluded the majority of complaints by public speakers regarding a policy of

discriminatory practices by the PEG.

## The Merina Report

A reading of the DCCA commissioned independent accountant's report (the Merina report) reveals violations of agreed upon procedures by Merina, false statements to Merina by Ho`ike; and a summary of complaints by "type" that excludes the majority of complaints.

### **Violations of agreed upon procedures by Merina**

In the case of Ho`ike, Merina failed to include complaints in the summary because:

1. there were a large number by some individuals
1. those individuals had been terminated

Nowhere in the agreed upon procedures does it allow exclusion of complaints because there were "a large number by some individuals", nor exclusion based upon "terminated" status. Exclusion from Summary of Complaints based upon "large number of complaints by individual users", or because a user is "terminated" was not used by Merina to exclude complaints in other PEG audits. This is a violation of agreed upon procedures. To make matters worse, the users alleged by Ho`ike to be "terminated" were, in fact not terminated. One user was "terminated" and later reinstated before the Merina report audit period began, and the other user was never "terminated" at all. Ho`ike knowingly fabricated and provided false information that individuals were "termination" to Merina to intentionally exclude complaints from the summary. Merina complied by ignoring the agreed upon procedures.

The Summary of Complaints about Ho`ike reported by Merina by type for 2003 are:

1. Technical Viewer 2
1. Technical User 0
1. Program Content 0

Seventeen (17) complaints were not summarized because of the large number from the same users and because those users were "terminated." Even if these 17 complaints were not excluded there would be no place to include them in the summary of complaints because no proper category "type" for these complaints existed. All 17 unlisted complaints regarded not program content complaints, nor technical viewer/user complaints, but **complaints of Ho`ike's violations of their own bylaws, rules, procedures, policies or agreement with DCCA.**

The agreed upon procedures for the Report Complaint Summary was structured by "types" that omitted a category for the vast majority of complaints regarding Ho`ike violations of their own bylaws, rules, procedures, and/or agreement with DCCA. While Ho`ike is responsible for providing Merina false information regarding users "terminated" status in an attempt to exclude complaints, DCCA is responsible for structuring the agreed upon summary "types" to exclude the

majority of complaints from the summary report. DCCA, as the oversight agency, created a structural blind spot to conceal the central problem – PEG board violations of their own bylaws, rules, procedures, and agreement with DCCA.

CTPA will present one example of how the current PEG as structured by DCCA can be used to push the public speaker to the back of the access bus, while putting a government speaker in the drivers seat. CTPA calls this incident the end slate controversy.

## **End Slate Controversy**

Here is an outline detailing how a PEG access entity discriminates against the public speaker through selective enforcement of a policy, while ignoring such policy enforcement when a government speaker violates the very same policy.

1. public speaker submits program
1. program is rejected by PEG access entity because it lacks the required end slate with producer contact information
1. public speaker corrects end slate and resubmits program
1. public speaker views a government speaker program without an end slate
1. public speaker files an end slate policy violation complaint to the PEG entity and DCCA
1. DCCA informs public speaker they do not regulate PEG and refers public speaker back to PEG entity
1. PEG entity claims to initiate an investigation into the public speaker's allegation of government speakers end slate violation.
1. public speaker continues inquiry as to status of complaint while PEG entity investigates public speaker allegation
1. PEG entity continue to broadcast government speakers program for four years while they conduct investigation.
1. PEG determines after a four year investigation that government entity is in violation of PEG end slate policy.
1. government speaker puts end slate on program.

The public speaker was a member of CTPA. The government speaker was the U.S. Armed Forces. The PEG entity was `Olelo. This is but one example from multiple instances of discrimination against public speakers based upon selective enforcement of policy. The public speakers program was not allowed even one airing without a proper end slate, but the government speaker was allowed to broadcast roughly 200 programs over a four-year period!

The consequences for the government speaker's four years of violation? Nothing beyond finally being compelled to comply with policy.

The consequence from DCCA for the PEG's for this ongoing discriminatory practice of selective policy enforcement against the public speaker? Nothing!

DCCA allows this type of discrimination against the public speaker by PEG entities without any consequences, and considers the actions of the public entity to resolve the situation to be adequate and responsive. Although CTPA has presented a long and dirty laundry list of such discriminatory practices by PEGs to DCCA the vast majority remain unresolved to this day.

## Conclusion

The DCCA created the Hawaii Model to be intentionally complex and convoluted to mask the reallocation of funding and resources, intended for use by the public speaker, to government and other special interests. CTPA can cite many instances like the end slate example where a concerted and systematic application of rules, procedures, and practices target the public speaker.

CTPA can also cite numerous examples of the DCCA's defective and ineffective oversight regime. A oversight regime with enough blind spots to drive truckloads of misappropriated funds, reallocated resources, and discriminatory practices through, running over the public speakers interests without stopping and without consequences.

CTPA believes the facts presented in this report make a substantial case and provide enough evidence that the DCCA has ignored the advice of their own consultants. The most egregious example is the incorrect and inflammatory subtitle, "Splitting the baby is not the solution" in the 1997 report, "Disputes over PEG resources." Nobody wanted to split a baby or read the report, most of all DCCA. Today, due to DCCA's imposed structure and lax oversight, baby PEG has become a dysfunctional three-headed monster. The two parasitic heads of Government and Education have sucked the lifeblood out of Public Access and the patient is now critical condition on life support. It is time for major surgery to remove the parasitic heads if Public Access is to survive.

Unfortunately, the individual public speaker is by definition an undifferentiated interest -- not a special interest. No one speaks for the public speaker, not the Department of Commerce and Consumer Affairs, not Government, not Education, and not the PEGs they created, fund, and control. Round up the few favored public speakers they do service, and trot them out like fattened cows to moo PEGs praises on script and on cue to create a pastoral picture of a contented herd. Their bull is not getting gored.

CTPA Recommends:

- Split PEG access into their respective functions.

- Transfer franchising authority and public access oversight to the local level.
- Obey procurement laws.
- Contract for public accesses services using the RFP process,
- contractually require the service provider to comply with **all** applicable open records and sunshine laws, and
- first and foremost compel strict compliance with the mission of “**first-come, nondiscriminatory access.**”

Edward Coll, President CTPA

**DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS**

Notice of Public Comment Meetings Statewide Public, Education & Government (PEG)  
Access Services

From: Good Beginnings Alliance  
3105 Akahi Street  
Lihue, Hawaii 96766

Date: February 23, 2006

To: Cable Television Division  
Department of Commerce & Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

**BACKGROUND**

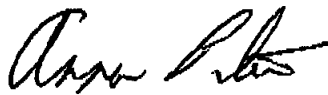
As a statewide community organization, the Good Beginnings initiative focuses on engaging a wide spectrum of populations to improve outcomes for children. At the county level, Good Beginnings Community Councils are convened. The Community Councils are comprised of service providers whose work focuses on supporting young children and their families, public departments and agencies such as the Departments of Health and Education, early care and education providers, community leaders, representatives of the faith based community and parents. Through strong community partnerships, the Kauai Community Council have developed a comprehensive early childhood plan that addresses needs and strategies specific to their children and families that address the following areas: (a) **Public awareness in the importance of the early years**, (b) **Mobilizing action to support healthy growth and development and school readiness of children**, and (c) **Creating a system that blends the services provided on our islands for the purpose of maximizing resources.**

Kauai Good Beginnings Community Council has been working with HOIKE within the last year in public broadcasting on providing parents and communities information on "The Early Years of a Child's Life", which encompasses ages 0-8 years. I was very impressed by the services that HOIKE offers, such as training to set-up the video and do the segments. The staff is very knowledgeable and accommodating in providing information and last minute requests in setting-up props or displays. The hours of operations worked very well for our regular monthly segments. The public was able to have access to view the segment on a daily basis, through out different time zones of the day. I always meet colleagues, parents & community partners that viewed the segment and get a lot of positive feedback about it and look forward to more of it.

It would be ashamed to change something that has been working in our community for years. The staff at PEG ( Statewide Public, Education & Government Access Services) has been working with this community and understand the issues of our island. This island-wide service provider has been a tremendous resource for our community. Implementing an RFP process will only open the process to outside bidders that have no knowledge of Kauai's values and people. Things are necessarily done not in the best interest of Kauai!!

I am in support of continuing the operation of PEG as is and should be exempt from any RFP.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anna Peters', with a stylized, cursive script.

Anna Peters  
Kauai Island Coordinator  
Phone 632-2114  
[apeters@goodbeginnings.org](mailto:apeters@goodbeginnings.org)



To: CABLE T.V. DIVISION Fax: 586-2625  
From: ANNA PETERS Date: 2/24/86  
Re: Testimony Pages: 3  
CC: \_\_\_\_\_

☒ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

TO: CABLE T.V. DIVISION

Dept. of Commerce & Consumer Affairs

P.O. Box 541

Hon. HI 96809

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS  
2000 FEB 24 P 1:15  
A-E-P-S  
FILE \_\_\_\_\_

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Cable Division,

I request that your department seek 'exemption' status in the awarding of the contract for PEG services for Kauai. The logic behind this request is that any Request for Proposal or competitive bidding process would not be in the best interest of this community or the state and that it is not practical.

A bidding war for the limited resources Kauai receives would only serve to diminish the opportunity currently granted all of our citizens. Our island would most certainly have a serious disruption of service. It is not possible for any new entity to have the same vast experience and knowledge on the equipment provided currently. How much time would it take a novice to develop an equally reliable playback system? We understand that some competitive bidders would seek to eliminate many of the services that we depend upon regularly. Most important are facilitated production and an unwavering service to the non-profit community. And, this system would impair the ability to meet new challenges or situations with creative flexibility. The bidding would only destroy a valuable resource and training tool. It may also lead to outside control and influence over program content.

The whole procurement process does not seem practical for many reasons. The laborious process required to define the various elements of the scope of service would take an enormous amount of time. It may not be crafted by experts in the PEG arena nor have input by those who do know what access is all about. It would be an unwelcome and potentially overwhelming task to assess all that our current providers do. It is also not practical to repeatedly request competitive bidding for a service that is well regarded by our entire community.

There are many more reasons to oppose the RFP process. Please keep in mind that this interest in proposals or bids would destroy valuable relationships with our schools, our community organizations, non-profits and partnered grants. It would diminish an effective tool for our government communication process. It would also damage the public access process that has taken more than a decade to develop.

Please seek an exemption status on the contract award for the PEG service for Kauai.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn Summer". The signature is written in dark ink and is positioned below the word "Sincerely,".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Cable Division,

I request that your department seek 'exemption' status in the awarding of the contract for PEG services for Kauai. The logic behind this request is that any Request for Proposal or competitive bidding process would not be in the best interest of this community or the state and that is it not practical.

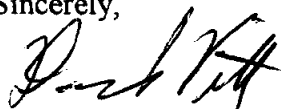
A bidding war for the limited resources Kauai receives would only serve to diminish the opportunity currently granted all of our citizens. Our island would most certainly have a serious disruption of service. It is not possible for any new entity to have the same vast experience and knowledge on the equipment provided currently. How much time would it take a novice to develop an equally reliable playback system? We understand that some competitive bidders would seek to eliminate many of the services that we depend upon regularly. Most important are facilitated production and an unwavering service to the non-profit community. And, this system would impair the ability to meet new challenges or situations with creative flexibility. The bidding would only destroy a valuable resource and training tool. It may also lead to outside control and influence over program content.

The whole procurement process does not seem practical for many reasons. The laborious process required to define the various elements of the scope of service would take an enormous amount of time. It may not be crafted by experts in the PEG arena nor have input by those who do know that access is all about. It would be an unwelcome and potentially overwhelming task to assess all that our current providers do. It is also not practical to repeatedly request competitive bidding for a service that is well regarded by our entire community.

There are many more reasons to oppose the RFP process. Please keep in mind that this interest in proposals or bids would destroy valuable relationships with our schools, our community organizations, non-profits and partnered grants. It would diminish an effective tool for our government communication process. It would also damage the public access process that has taken more than a decade to develop.

Please seek an exemption status on the contract award for the PEG service for Kauai.

Sincerely,



David Vitt

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Cable Division,

I request that your department seek 'exemption' status in the awarding of the contract for PEG services for Kauai. The logic behind this request is that any Request for Proposal or competitive bidding process would not be in the best interest of this community or the state and that is it not practical.

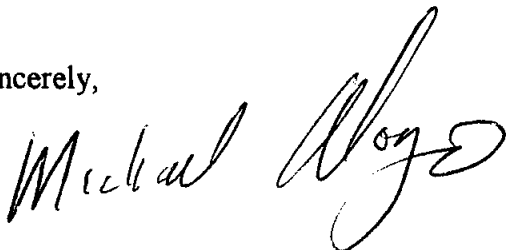
A bidding war for the limited resources Kauai receives would only serve to diminish the opportunity currently granted all of our citizens. Our island would most certainly have a serious disruption of service. It is not possible for any new entity to have the same vast experience and knowledge on the equipment provided currently. How much time would it take a novice to develop an equally reliable playback system? We understand that some competitive bidders would seek to eliminate many of the services that we depend upon regularly. Most important are facilitated production and an unwavering service to the non-profit community. And, this system would impair the ability to meet new challenges or situations with creative flexibility. The bidding would only destroy a valuable resource and training tool. It may also lead to outside control and influence over program content.

The whole procurement process does not seem practical for many reasons. The laborious process required to define the various elements of the scope of service would take an enormous amount of time. It may not be crafted by experts in the PEG arena nor have input by those who do know that access is all about. It would be an unwelcome and potentially overwhelming task to assess all that our current providers do. It is also not practical to repeatedly request competitive bidding for a service that is well regarded by our entire community.

There are many more reasons to oppose the RFP process. Please keep in mind that this interest in proposals or bids would destroy valuable relationships with our schools, our community organizations, non-profits and partnered grants. It would diminish an effective tool for our government communication process. It would also damage the public access process that has taken more than a decade to develop.

Please seek an exemption status on the contract award for the PEG service for Kauai.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Hoge". The signature is fluid and cursive, with a large, stylized "H" and "O".

# Gabrielle

Eastwest Interiors  
Kauai, Maui, Oahu, Big Island

Kauai Design Center  
4585 Lehua St.  
Kauai, HI 96746  
PH 808 - 652-1915  
FAX 808 - 822-9777

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

As the first elected member, and secretary of the BOD, I am aware of Ho'ike's efforts from an inside point of view. I came to Ho'ike as a student looking for a way to share my observations and challenges pertaining to life on Kauai, and on the planet in general. This is what is so important about Ho'ike's service, it gives the ordinary citizen an extraordinary opportunity to tell it as they see it. It gives the residents of Kauai a voice. More than ever, in these times of stress and impending doom, we the people need a chance to express our fears, hopes, and dreams. If not here, where?

Please consider the wonderful work we are doing with the schools. Have you seen the amazing accomplishments presented by students as young as the second grade? I feel that if you had seen their work, this letter wouldn't even be necessary. My personal experience as a student totally changed my life. It was, and still is the greatest gift I ever received in my whole successful career as a professional artist and interior designer. The patience and expertise of the staff during my learning process was outstanding. And I have to add that I was an art director in Hollywood for national TV commercials, and have worked with the best crews. Ho'ike's staff and management are to be commended for their enthusiastic approach offered to everyone walking through the door or needing their help.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations.

I guess I could add, "*If it ain't broken, why fix it?*" Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. Ho'ike is unique.

I was honored to attend the National Alliance for Community Access in Monterey in July, and I was so amazed how Ho'ike is *Nationally* admired and even considered a prototype by so many organizations around the country. And when we were awarded for the Best Event Documentary for Kauai's Parade of Lights, I have to say we got the biggest hand of any other award. One lady even told me that they got the idea for a calendar from Ho'ike. I assumed that everyone would have a calendar. It appears that is part of the issue at hand; it's easy to assume it could be better, or that it isn't good enough. But I learned a lot of years ago that assuming is dangerous. I can't imagine who could do a better job serving our community. We do have an outstanding record. Of course there will always be someone laden with vendettas, which will find fault, criticize and complain. And of course Ho'ike does have its personal and professional challenges, what business doesn't? But from the inside, I can truthfully say the staff of Ho'ike is brilliant, talented, devoted to serving the community, and willing to go that extra mile to do so.

It's important to consider that there is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Passionately, I ask you to Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Much aloha,

Gabrielle Dorman  
Secretary, BOD

February 22, 2006

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director Recktenwald and Cable Administrator Sonobe:

It is my opinion that an exemption to the RFP process in the PEG contract award is allowable and advisable. In your analysis and decision-making please consider the following points that would allow you to seek an exemption to the Request for Proposal requirement.

***An exemption from chapter 103D is warranted in accordance with 3-120-4***

***Not practicable***

- ◆ It would negate and destroy the very system that was specifically designed to manage the resources.
- ◆ The state provided the mechanism for governance and operation to provide the maximum benefits to the community. Any competitive bidding would allow for pre-existing businesses to raid that process. Perhaps irretrievably altering the service.
- ◆ The complex array of services that exists cannot be duplicated by a competing entity. The description of operations is far-reaching and exceptionally difficult to describe in any scope of service in the RFP process.
- ◆ The rigid structure of the RFP award would eliminate any flexibility to adapt or respond to changing technological developments or the changing needs of the community.
- ◆ Likewise, the rigid structure of the RFP and contract would remove the current positive interaction between the Department and the PEG provider.
- ◆ This proposed RFP process does not involve any state funds, rather this is a fund provided by a private enterprise.
- ◆ It is not practicable for the DCCA to conduct this process due to their lack of experience in crafting or analyzing any RFP. Each county is more than unique to itself demanding very different approaches for extremely comprehensive services. Four different RFP's is most certainly a cumbersome and unwieldy effort.
- ◆ The RFP process would be contrary to the Recktenwald Statewide Final Plan and render that document useless and ineffective.



***Not in the State's best interest***

- ◆ The unique and complex network of programs, outreach, partnerships, and associations are unique to these organizations. Any change would permanently alter the opportunity that is currently afforded the community.
- ◆ This very system of wide ranging opportunity is significantly threatened by competitors intent on eliminating the community-wide resources.
- ◆ The DCCA has had a direct hand and approval of the applications of PEG access. The system of fairness and quality has been guided and approved by the department. This beneficial process would be jeopardized.
- ◆ The overwhelming voice of the people is against this process. To ignore the vast majority and cater to the self-serving nihilistic whims of just a handful of people flies in the face of the democratic process.
- ◆ Outside competitors have expressed no interest in serving the legislature, department of education, office of Hawaiian affairs, boards, commissions, election processes or the counties. Instead, they propose to serve their personal perspective only.
- ◆ The bidding process is contrary to the very ideals that created PEG access. It does not provide any measurable benefit to the community instead will inject negative limitations.
- ◆ This suggested process would be to the detriment of students in public, private, charter, and home school networks. It would eliminate vital programs designed to develop media literacy. It would eliminate critical partnerships and cooperative efforts for more than 200 non-profit and community organizations. It would waste and lose thousands of dollars in grant benefits currently enjoyed through partnerships. It would destroy an essential communication tool for workforce development and job opportunities. It would eliminate services provided to distant rural neighborhoods. It would eliminate creative assistance for the community. It will end positive working relationships with the department of education, the community college, and the county government. It will create a negative impact on the community.
- ◆ It would completely alter the ability of the department to be involved with operations once a contract is awarded. The DCCA would be limited by strict language of the contract and RFP description of the scope of service.

Respectfully submitted,

  
J S Robertson



**of Hawaii**

Telephone: (808) 245-4728 • Fax: (808) 246-8824  
4334 Rice Street, Suite 204A • Lihue, Hawaii 96766

David J. Reber, Esq.  
President, Board of Directors

M. Victor Geminiani, Esq.  
Executive Director

February 24, 2006

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

As a Board member of Ho'ike for the past 1+ years, and the recently elected Vice-President of the Board, I have had the unique opportunity of discovering the qualifications of our staff, and witnessing the ability of Ho'ike to generate interest in PEG services throughout the communities of Kauai. Whether by taking video production to the schools, or bringing our home-schooled kids to the log cabin, Ho'ike has done remarkable work providing access for all interested residents of Kauai.

Indeed, the entire island has benefited by our expertise in video instruction and capable assistance in independent productions. The many associations and partnerships we have created these past two years have been invaluable. Please understand the significant impact we have achieved with such limited resources. The staff and management have devoted countless hours to realize our goals of increased community involvement, and added community "ownership" of community television.

The RFP process would hinder the community's access. Ho'ike has been able to generate a valuable commodity for all aspects of our society. Forcing Ho'ike to devote extra energy and time to an RFP process would divert necessary resources from our everyday community programs. While competition is not a bad thing, competition for the sake of competition is not an effective use of our limited staff. The current diversity of program content at Ho'ike is extensive and we do not believe it can be duplicated by any other program or agency on Kauai. Ho'ike has worked dutifully to increase PEG access to the people of Kauai over the past few years, and should be allowed to continue its focus on improving its produce day-by-day.

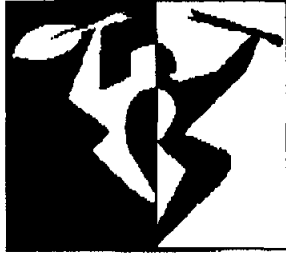
Therefore, I strongly believe an exemption to the RFP process is warranted for the benefit of our island, and its continued ability to access public, education and government television and Ho'ike's inspiring programs.

Respectfully,

A handwritten signature in black ink, appearing to read "Gregory H. Meyers". The signature is fluid and cursive, with the first name "Gregory" and last name "Meyers" clearly distinguishable.

Gregory H. Meyers  
Managing Attorney - Kauai

**Legal Aid Society**



**of Hawaii**

Telephone: (808) 245-4728 • Fax: (808) 246-8824  
4334 Rice Street, Suite 204A • Lihue, Hawaii 96766

David J. Reber, Esq.  
President, Board of Directors

M. Victor Geminiani, Esq.  
Executive Director

**FACSIMILE TRANSMITTAL**

Date: February 24, 2006

To: Cable Television Division, DCCA – (808) 586-2625

From: Gregory H. Meyers *GHM*

Re: Letter of Support for Ho'ike's Exemption from RFP Process

Total pages (including this page): 3

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS  
2006 FEB 24 P 1:51  
A-E-P-S  
FILE

Copies	Date	Description
--------	------	-------------

**TRANSMITTED FOR:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Your Information                     | <input type="checkbox"/> Your Further Necessary Action |
| <input type="checkbox"/> Your Signature and Return                       | <input type="checkbox"/> Your Approval                 |
| <input type="checkbox"/> Your Signature and Forwarding<br>as Noted Below | <input type="checkbox"/> Your Review and Comment       |
| <input type="checkbox"/> Per Our Conversation                            | <input type="checkbox"/> Per Your Request              |
|  | <input type="checkbox"/> Filing                        |

**REMARKS:**

**NOTICE OF CONFIDENTIALITY**

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipient/s named above. This message may be an attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copy of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail at our expense.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

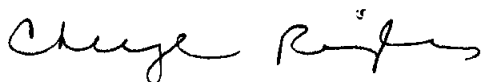
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in cursive script, appearing to read "Cheryl Rife".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

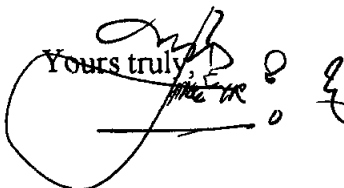
To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,  
 0 2

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in dark ink, appearing to be "Michael", written over a horizontal line.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

Ed Green



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely, *isa Maria*

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

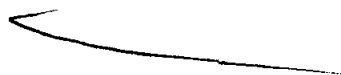
Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

JAH Love

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Carlos Cardona".A simple handwritten arrow pointing to the left, drawn in black ink.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

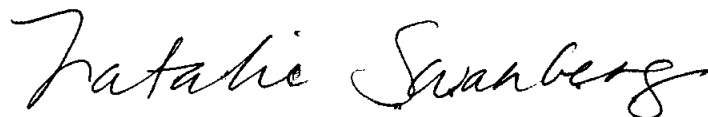
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in cursive script, reading "Natalie Swanberg". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely, <

A handwritten signature in cursive script, appearing to read "Aubrey H. H. H. H.", written in dark ink.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Dorn", written in a cursive style.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely, *Kim Ione Taubensee*  
KIM IONE TAUBENSEE

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in black ink, appearing to read "Orest", followed by a large, stylized flourish or underline.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.


Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in dark ink, appearing to be "BP" followed by a flourish.



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

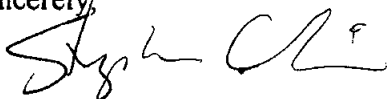
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in black ink, appearing to be "Steve Clark", written over the word "Sincerely,".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

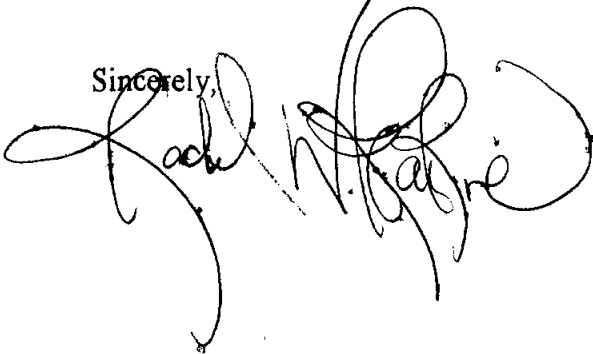
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul H. Hays", written over the word "Sincerely,".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

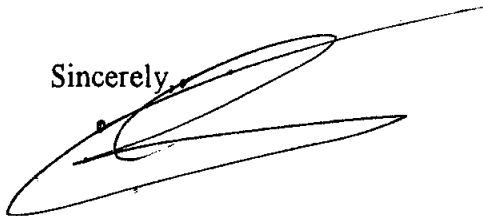
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a small flourish.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in cursive script, reading "Joan Hudson". The signature is written in dark ink on a white background.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

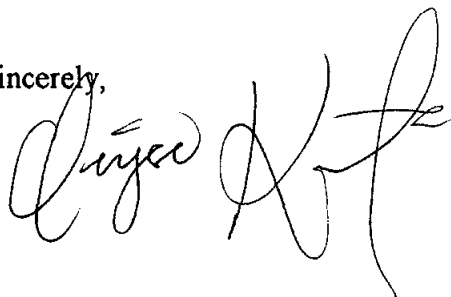
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

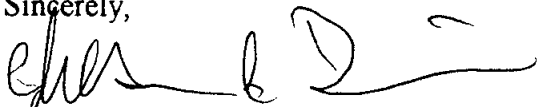
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in dark ink, appearing to be "Charles D.", written over the word "Sincerely,".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:


I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in dark ink, appearing to read "Kristin B. L.", with a long, sweeping horizontal line underneath.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to be "W. H. H.", written over a horizontal line.



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to read "Devin Ford", with a long horizontal line extending to the right.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

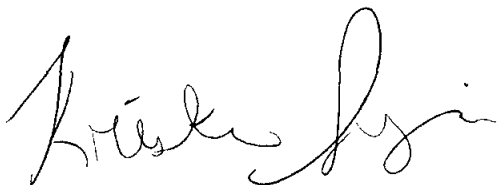
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in cursive script, appearing to read "Kristin Lysen". The signature is written in dark ink on a white background.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to read "Malia Ruyza". The signature is fluid and cursive, with a long, sweeping tail on the last letter.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah H. O'Neil", with a long horizontal flourish extending to the right.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

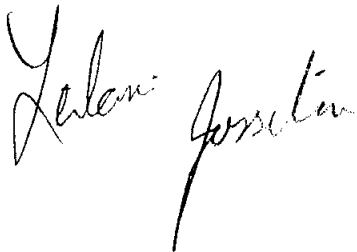
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in cursive script, appearing to read "Helen Forsman". The signature is written in dark ink and is positioned below the "Yours truly," text.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to read "Josephine Jones", written over a horizontal line.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

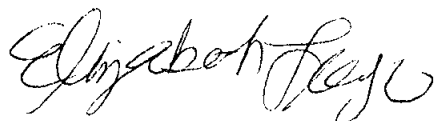
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Faye".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

*Judith Malat*



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

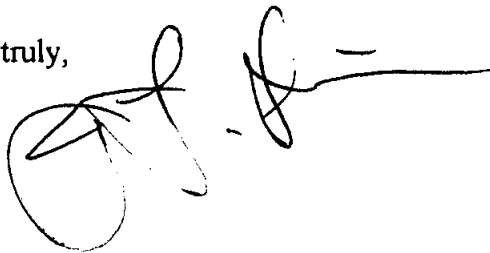
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line and a small flourish.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

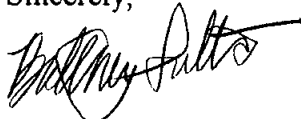
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

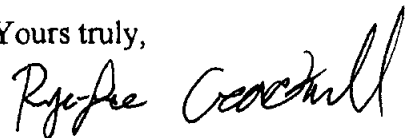
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to read "Ryo-fee Cracraft". The signature is fluid and cursive, with the first name "Ryo-fee" written in a larger, more prominent script than the last name "Cracraft".

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

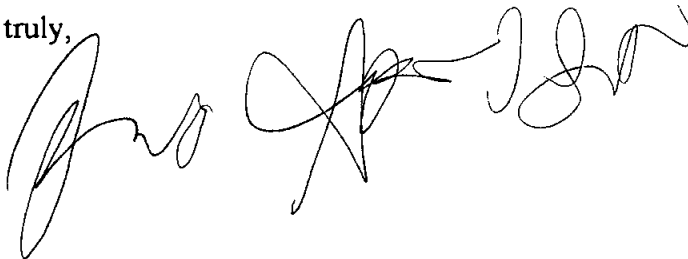
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to be "John A. Smith", written over a horizontal line.

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

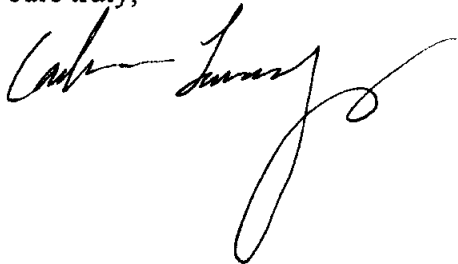
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

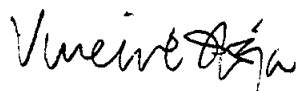
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

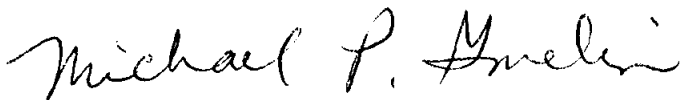
I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

  
MICHAEL P. GMELIN

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

To Whom It May Concern:

I am writing in regard to the hearings and request for comments conducted by the DCCA related to Public, Education, and Government Access services. I strongly encourage you to realize and acknowledge the fine job Ho'ike has done in providing PEG services for Kauai.

The entire island benefits from their expertise and interest in offering video instruction and capable assistance in independent productions. The many associations and partnerships that have been created in the past few years are so very valuable to our small island. Please understand the significant impact they have achieved with the smallest amount of funding of any of Hawaii's access organizations. The staff and management are to be commended for their enthusiastic approach offered everyone walking through the door or needing their help.

The proposed competitive bidding process would be a disservice to our community. Ho'ike has been able to generate such a valuable commodity for all aspects of our society that there is no way to foresee any equal replacement. While competition is considered a good thing it cannot promise the benefits we currently enjoy. There is no other organization capable of partnering with all elements of education (including Hawaiian immersion schools), providing communications tools for more than 200 community organizations and groups, assisting in much needed workforce development, supporting non-profits, or creating a viable mechanism for hundreds of independent producers. The diversity of program content is inspiring. It is easy to promise but hard to deliver. Ho'ike is delivering each and every day.

Please consider this correspondence strongly in favor of Ho'ike: Kauai Community Television and adamantly opposed to initiating any Request for Proposal process.

Yours truly,

A handwritten signature in black ink, appearing to be "Gordon J. [unclear]", written over the typed name "Yours truly,".



Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

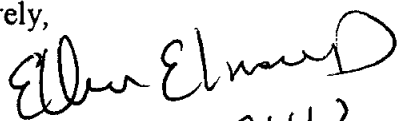
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

  
PO Box 3142  
Lihue HI

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, Hawaii, 96809

Dear Director,

I am writing to you in support of Ho'ike: Kauai Community Television. This is an outstanding organization with a professional and dedicated staff. The opportunity they provide to Kauai is immeasurable. It has been my experience that they are providing a truly unique opportunity to virtually every aspect of our society. They have proven that they are responsive to the changing needs of both technology and our residents. This is highlighted in the Legislative Reference Bureau findings of 1995, "Ho'ike has been the most active and most progressive of the access organizations" and "Ho'ike has been a dynamic organization." Since that time Ho'ike has dramatically improved and excelled.

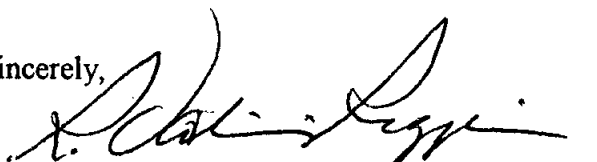
Any change is unwelcome and would not be in the best interest of Kauai. It is my humble request that your department seeks an exemption status to the awarding of contracts for PEG services for the Garden Island. This exemption is warranted because a Request for Proposal is neither practicable nor in the best interest of the State.

Competitive bidding would certainly mean a disruption of reliable service to our community. Any annual or frequent RFP process would undermine Ho'ike's ability to hire or retain what is today a qualified and exceptional staff. Furthermore, the entire process for a small sum of access fees is extremely complex, cannot allow for each essential element of service currently provide, and leaves too many unanswered questions. The concept of 'lowest bidder' would deprive the community of a valuable resource that is just compensation for the use of public rights of way.

The RFP process is not inherently in the best interest of the State or our island. The complex process of creating, evaluating and awarding a contract via the RFP process is in my estimation overwhelming. Clearly, your department's cost will increase at either taxpayer or cable subscriber expense. The competitive process will make possible a monopoly of services should one provider present the best bid. The current flexibility and ability to adapt to our needs would be in jeopardy. And, you can not insure that there would be a better model or level of service provided. In fact it might put an end to many wonderful and valuable programs currently serving our island.

With these factors in mind I do ask that you seek and receive an exemption from the Procurement Code in awarding contracts for PEG services on Kauai.

Sincerely,

  
ROBERT V. RIGGAN  
LIHUE, KAUAI