

TABLE OF CONTENTS

GENERAL INTRODUCTION	1
PUBLIC MEETINGS.....	2
Introduction	2
Summary of Oral Comments.....	2
COMMUNITY QUESTIONNAIRE	7
Introduction and Summary of Findings.....	7
STAKEHOLDER INTERVIEWS	19
Introduction	19
LETTERS, EMAILS, WRITTEN COMMENTS	21
Introduction and Summary of Findings.....	21
CUSTOMER SURVEY.....	26
Introduction and Summary of Findings.....	26
COMPLIANCE REVIEW	35
FINANCIAL REVIEW.....	40
TECHNICAL REVIEW, MAUI SYSTEM	46
PROJECT BACKGROUND.....	46
EXHIBITS.....	59
EXHIBIT A. SAMPLE LETTERS	
• State Legislators	
• PEG Executive Directors	
• Maui County Council	
• Maui Organizations	
• Maui College	
• Maui Residents	
• Molokai Residents	
• Lanai Residents	
EXHIBIT B. SUMMARY OF ALL LETTERS	
• State Legislators	
• PEG Executive Directors	
• Maui County Council	
• Maui College	
• Maui Residents	
• Molokai Residents	
• Lanai Residents	

COMMUNITY ASCERTAINMENT AND RELATED ACTIVITIES

SUMMARY FOR

OCEANIC TIME WARNER CABLE FRANCHISE RENEWAL

COUNTY OF MAUI, HAWAII

RESULTS AS OF JANUARY 6, 2013

GENERAL INTRODUCTION

The State of Hawaii, Department of Commerce and Consumer Affairs, Cable Television Division, (DCCA) is in the process of considering a request from Oceanic Time Warner Cable (Oceanic) to renew the company's cable television franchises for the County of Maui. The County comprises the islands of Maui, Molokai, Lanai, and Kahoolawe. As part of the activities relative to this consideration, undertaken in accordance with federal franchise renewal guidelines set out in the Cable Communications Policy Act of 1984, as amended in 1992 and 1996 (the Cable Act), DCCA is conducting an ascertainment of future cable-related community needs and interests, along with certain studies and reviews related to the ascertainment. The results of all of these activities are intended to form part of the basis for DCCA's anticipated negotiation of a possible new franchise, or franchises, with Oceanic. This report is presented as complete for the purpose of triggering the ability of the DCCA to request an application for franchise renewal from the cable operator under the procedures specified in Hawaii State law and Hawaii Administrative Rules. However, this report is not intended to represent, necessarily, the conclusion of the assessment of community needs and interests relative to DCCA's rights and duties, as a local franchising authority, under the formal franchise renewal procedures described in the Cable Act. DCCA specifically reserves the right to conduct such additional needs assessment activities as it may deem appropriate, relative to the Cable Act formal process, and to finally conclude those activities at its own discretion, as provided for in the Act. The ascertainment has included the following principal elements, which are covered in the main sections of this report:

- A series of three open **public meetings**, consisting of public forums to gather public comment
- A written **community questionnaire**, made available to all members of the public through the public meetings, DCCA's website, and other means.
- A series of direct **stakeholder interviews** with individuals and groups in the governmental, educational and non-profit sectors having particularly strong knowledge, history or interest with respect to the use of the cable system for community purposes
- A written **customer satisfaction survey** made available to all members of the public through the public meetings, DCCA's website, and other means.
- The solicitation of **written comment**, through letters and emails to DCCA, resulting in seventy-six individual communications to the Department.

In addition, consistent with Cable Act guidelines DCCA has conducted the following background reviews related to the ascertainment activities:

- A **financial review** of Oceanic, to determine its financial capacity for carrying out future operations in Maui County
- An **engineering review** of the Oceanic cable system, focused on its current and future capacity for providing state-of-the-art services
- A **review of Oceanic's past compliance** with its obligations under the current franchises

To assist the State in these franchise renewal activities, DCCA is utilizing the services of the financial consulting firm Merina & Company, LLP, working with two subcontractors. This report represents the consultant's description of the results of the principal ascertainment and related background study activities undertaken to date. The principal Merina & Company, LLP agents involved in assisting DCCA in this work are Certified Public Accountant Tonya Moffitt, along with Merina & Company, LLP subcontractors Stephen Jolin of the municipal communications consulting firm MuniCom, and communications engineer Brian Nordlund.

PUBLIC MEETINGS

Introduction

The franchise renewal ascertainment process included three open community ascertainment forums conducted by DCCA and its consultants, to obtain public input. At the forums, DCCA was represented by CATV Division Administrator Donn Yabusaki, senior Division staff members Glen Chock and (in Wailuku) Laurie Wong, and consultant Steve Jolin. The forums were held at:

- Molokai — Kulana 'Oiwī DHHL/OHA, Kaunakakai—August 27, 2012 (3:30 pm-5:30 pm)
- Maui — West Maui Senior Center, Lahaina—August 28, 2012 (4:30 pm-6:30 pm)
- Maui — J. Walter Cameron Center, Wailuku—August 29, 2012 (4:30 pm-7:00 pm)

The forums were advertised in the local media, on the DCCA website, and on the PEG Access channels. At the Molokai meeting, 36 people attended the event and signed the sign-up sheet, with 23 people giving oral testimony. The Lahaina forum was attended by 18 people signing the sign-up sheet, of whom 9 gave oral testimony. In Wailuku, there were 40 people attending who signed the sign-up sheet, with 22 of them giving oral testimony. Many attendees at the forums, either during the forum or afterwards, completed a written questionnaire on community needs and Akaku services, and a survey on Oceanic customer service. All attendees were particularly urged to submit additional written testimony to DCCA either at the meetings or in the weeks subsequent to the meetings, and DCCA did receive more than 75 letters and emails as part of the ascertainment process.

Summary of Oral Comments

In what follows we summarize the comments presented by members of the public at the community forums. Our intent is to capture the substance and breadth of what was said, not to record all comments verbatim. We have organized our summary according to the major themes that occurred in all three of the meetings, but provide specific comments to represent special local needs and interests that testimony at particular meetings made evident. This focus on local needs is especially necessary with respect to Molokai, where testimony suggested particular dissatisfaction with both cable and internet service and pricing.

Major Themes

Appreciation and Support for Akaku and Community Media

The overwhelming majority of participants (some 40 out of 54 who gave oral testimony) in all of the meetings indicated strong support for Akaku and the services it provides to the islands of Maui. The following are among the specific programs and other benefits provided by Akaku which were mentioned as valuable in the testimony:

- Candidate forums during the political season
- Coverage of County Council, boards and commissions, and other local government meetings
- Televised access to specific community events
- Sole television news story coverage of local life in the County
- High quality of facilities, staff, volunteers, producers, management and operations at Akaku

- Education and training opportunities in communications, equipment operation, the operation of local government
- Serving as voice of local Native Hawaiian community and culture
- Production of the Mayor’s Forum
- Talk shows featuring interesting local figures
- Important entertainment and information resource for senior citizens
- Voice and training opportunity for youth
- Broad and high reputation of Akaku throughout the County
- Sense of local ownership of Akaku
- Alternative news and information source in a county where newspaper sources are narrowly owned
- Resource for producing public service announcements
- Forum for community activism
- Forum for individual expression under the 1st Amendment the U.S. Constitution
- Community media as a communications gathering place, like a park or playground
- Communications lifeline for Maui as neighbor-island
- Opportunity for making quality programming at much less cost than commercial productions
- Important avenue for civic engagement in the County
- Akaku’s trustworthiness in representing the truth of local states of affairs
- Outlet for communal activity, e.g., storytelling, singing, praying
- Avenue for airing of local issues, e.g., undersea cable, windmills, poverty
- Information resource on nutrition, children, family issues—especially important where other resources are scarce
- Akaku as important expression of identity of local community

In addition to expressing strong and often quite specific appreciation for the services of Akaku, many speakers also made specific recommendations for provisions they regarded as important to include in any new franchise with Oceanic Time Warner. The tone and substance of much of this testimony is fairly represented by the remarks of Jay April, Akaku’s Executive Director. Mr. April set forth what he regarded as “the ten minimum services” that should be required of the cable company in return for its use of the public rights of way under the franchise. All or some portion of these items were referred to by the majority of participants who spoke in support of Akaku.

The ten items included in testimony are the following:

1. Akaku PEG access channels should be cablecast with the same format and quality as commercial channels carried by the cable company, including High Definition format; and the Akaku channels should be made available on multiple tiers of service.
2. Maintain channel identification numbers for the Akaku channels so they have a stable location and can be readily found by viewers
3. Increase operating and capital funding for Akaku. Suggestions included having a full allowable 5% of the company’s gross revenues collected by DCCA as franchise fees, with the increase over current levels devoted to Akaku; seeking to increase franchise fees above 5% (e.g., to 15%); increasing Akaku funding with funds currently going to Educational Access; increasing capital support above the current \$3 per sub annually; tying capital funding to a percentage of company gross revenues, rather than to the number of subscribers; subsidizing Molokai and

Lanai PEG operations from funds currently going to Olelo; devoting funds to Akaku which are currently reserved for Hawaii Public Broadcasting System. There should be no restrictions on the use of Akaku funds for community media purposes, regardless of technology, whether traditional CATV or more modern broadband.

4. Provide Akaku with 25 hours of Video on Demand
5. Provide 100 promotional spots for Akaku run on OTW's channels.
6. Reserve 10% of OTW spectrum for Akaku and other public benefit use.
7. Provide fast, affordable Internet service available to all parts of the County. (This would benefit Akaku as a user, and includes a recommendation (see #8 below) for making free wi-fi available in parks and other public facilities as a public media benefit of the kind Akaku is particularly interested in developing. However, the overall recommendation is also meant to address the wider need to have high-speed commercial broadband available everywhere in the County, for economic development and related purposes; as such, it is treated in more detail below, as a major theme of the forums, separate from the theme of support for Akaku.)
8. Provide free wi-fi in public parks and other public facilities.
9. Provide for Akaku use of currently unused fibers on the Institutional Network in the County.
10. OTW should provide and advertise a low-priced (e.g., \$15/mo.) basic service that would include Akaku and education channels.

There were a number of additional suggestions from speakers, including:

- Make Maui public benefits from the cable company comparable to any the company provides in any other system
- Provide support to Akaku to accommodate any technological evolution in the cable system's delivery of services
- One speaker recommended getting rid of Akaku on Molokai, and replacing it with a local equivalent, to be more responsive to local needs
- Akaku should be given a long-term contract, e.g., 20 years

The Need For Fast, Affordable Broadband Internet Service County-Wide

In addition to being included among the ten "minimum services" to be provided for under any new franchise, as outlined above and approved by many supporters of Akaku referring to the list, the recommendation to negotiate for fast, affordable broadband service throughout the county was directly made by many speakers at the forums. This was especially the case at the forum on Molokai, where the island has labored under an Internet service called Wave, provided by Time Warner, which is significantly inferior to the Roadrunner service which the company provides on Maui for the same price. Nearly a third of the speakers at Molokai indicated the need for better broadband. Specific comments on the situation included the following:

- The Wave service suffers from a poor microwave transmission link
- Oceanic is abusing their monopoly in their policy of charging the same for different levels of service in different parts of the county
- The service advertised as "up to 5 Mbps" never comes close to that, and in the evenings when there is more traffic, can slow to as little as .38 Mbps
- Oceanic has not upgraded, despite many requests, but has added customers to its inferior service
- The cable company is in effect exploiting Molokai

-
- Good Internet service is a necessity for many for earning a living
 - Molokai service should be made equal to Maui service
 - Good broadband service is a necessity for connection to the world these days
 - Small businesses need good Internet service
 - Internet service on Molokai is “high-priced garbage”
 - Successful economic development depends on broadband
 - Internet service has become like a utility, needed by all

Several speakers made the point that, while Internet service may not be directly subject to regulation under a cable franchise, nothing, in their view, prevents negotiation of agreements regarding broadband; DCCA should, in their opinion, take a strong negotiating approach, during this franchising process, to secure such agreements ensuring fast, affordable broadband throughout Maui County. Speakers noted that moving in this direction should be a priority now, since even video services are likely to be delivered over broadband technology in the foreseeable future.

Improve the Technical Delivery of Cable Service, and Customer Service Response

A number of speakers both at Molokai and Wailuku complained of poor television signal quality and frequent outages, and several of them also reported unsatisfactory customer service response from the cable company. These speakers indicated a need to improve service in both areas. Particular problems reported include the following:

- Many disruptions of service, loss of signal
- Many instances of broken-up signal
- Fuzzy television pictures
- Wait times of 15-30 minutes before being connected to a cable company customer service representative
- Encountered an answering machine rather than a person on the phone
- Customer service did not return phone calls
- Delay of a week to schedule a repair visit
- No-show by the repair person
- Repair needed five visits, yet never resolved the problem
- Ineffective, though courteous, repair persons

Franchise and Negotiation Matters

A significant number of people testifying at the three meetings urged specific approaches to the franchise negotiations, or the inclusion of specific major franchise provisions. The principle recommendations were the following:

- Negotiations should encompass both cable and internet services
- Discussions with TW should be approached as negotiations and deal-making, as well as regulatory responsibility.
- The requirements of any new franchise, particularly those related to community media, should be made to apply regardless of any change in federal or state regulatory structure, and regardless of the technological means by which services are delivered, during the term of the franchise.
- Grant a consolidated franchise combining the current Maui County and Lahaina/West Maui franchises into a single franchise, to help provide for uniform service throughout the County.

One speaker, however, urged separating franchises in order to be able to more specifically address inequities that might be lost sight of in statistics covering the entire County. It was also suggested that if a consolidated franchise is granted, DCCA should require compensation for the move.

- Take care in negotiating the term length of the franchise, given the likelihood of regulatory and technological change. Suggestions: a term as short as 1 year, or 5 years, with extensions as changes unfold; a 10-year franchise; a term up to 20 years, but with strong periodic reviews to respond to relevant changes.
- Be strong and creative in negotiating trades for priority needs in Maui County.
- Include a “most favored nation” provision in the franchise, providing for public benefits on a par with those provided in any other franchise area where TW is the operator.
- Seek to provide competition for TW in Maui County, as a means of improving service
- Seek to provide for fair, consistent and transparent rates for services across the County

COMMUNITY QUESTIONNAIRE

Introduction and Summary of Findings**Introduction**

A Community Questionnaire was developed by DCCA and its consultants to elicit feedback regarding particular community needs, related to PEG Access, that might be fulfilled by the franchise renewal process; and to provide an opportunity for comment on the service provided by Akaku, the non-profit organization currently responsible for the delivery of PEG Access in Maui County. The questionnaire includes a number of multiple choice questions, and also several questions that invite written comment. It was distributed at each of the three Public Meetings held by DCCA on the franchise renewal process, was posted on the DCCA web site, was made available in the DCCA office, and was advertised on PEG channels. In all, 56 completed questionnaires were received by DCCA prior to the September 15 deadline. In this part of the report, we summarize and present in detail results of the completed questionnaires.¹

Summary of Findings**PEG-Related Community Needs**

- 14 respondents thought the current number of PEG channels (5) was about right, with 40 suggesting it needs to be increased.
- 46 respondents thought funding for PEG needs to be increased, 3 thought it was about right, while 1 person suggested it was more than enough.
- 50 respondents suggest it is very important for PEG to keep up with commercial TV in new technologies.
- 53 respondents said the cable system's capability of transmitting PEG programming from remote sites is very important to meet community needs, and one thought it somewhat important.
- 51 respondents said the availability of PEG programs live and in archive via the Internet is very important to meet community needs.
- On a scale of 1-5 (with 5 indicating the highest rating) respondents on average rated the importance of all three types of programming—P, E, and G—between 4 and 4.4.
- 47 respondents indicated an interest, for themselves or organizations they belong to, in making programs to show on a cable channel; one respondent was not interested.

Written Comments on PEG and Akaku

Written comments submitted on the questionnaires, with respect to general PEG needs and Akaku's services, indicate prominently:

- General appreciation for Akaku and community media services in Maui County, with one dissenting comment.

¹ Respondents self-selected for this questionnaire, as part of their participation in ascertainment activities. Although survey results may reasonably be accepted as indicators for calling attention to issues and suggesting areas of special interest for respondents, no claims are made regarding the representativeness of the sample relative to the general population. Please note: not all respondents answered all questions.

- The need for supporting specific capabilities at Akaku, such as HD, VOD, adequate PEG bandwidth; channel quality, format, identification stability and accessibility on the system; support for transition from analog to digital, Internet capabilities, etc.
- Recommendations for stable and increased funding for Akaku and community media

In addition, there are many comments indicating a strong interest in improving broadband Internet service in Maui County—not only as a public benefit but as a generally available and affordable commercial service—and recommendations for how to approach negotiations, specific franchise requirements to develop, or other matters to address in the franchise renewal process.

A summary of all individual written comments is provided for each appropriate section of the Questionnaire Results below.

Community Questionnaire Results

Residence: Are you a resident of the County of Maui? 52 Yes 0 No 2 No Response

Part A – Community Needs. Select the response for each question that best represents your opinion.

1. The number of channels (3 for Akaku, 1 for Higher Ed., 1 for DOE) Currently used for programming about and by local schools, government agencies, community agencies and individuals by Akaku is:

14 about the right number, given community needs

40 insufficient; more channels are needed to meet community needs

0 more than enough; fewer channels are needed to meet community needs

2 no opinion

2. The financial support provided by Oceanic which is collected and itemized on a subscribers bill for public, education and government access services, and funding for PBS Hawaii:

3 about the right amount

46 insufficient; more support is needed to meet community needs

1 more than enough; a lesser amount would meet community needs

3 no opinion

3. As cable service develops in the direction of digital and high definition transmission, how important is it that public, education and government access (Akaku's)programming is provided to viewers with convenience of access , signal quality, and other technical features comparable to those which are provided for broadcast stations (KHNL, KHON, KITV, KGMB, etc) and other popular commercial programming?

50 very important

1 somewhat important

0 *not* important

 0 no opinion

4. The current or existing capability of the cable system to transmit live or recorded video programming provided via the Akaku channels from various sites around Maui is:

 52 very important to meet the community needs

 3 somewhat important to meet community needs

 0 not important to meet community needs

 0 no opinion

5. The availability of public education and government access programs via live or archived video streaming via the internet is

 51 very important to meet community needs

 2 *somewhat* important to meet community needs

 0 *not important* to meet community needs

 0 no opinion

6. On a scale of 1 to 5, (5 being the highest), what is your level of interest in having available for viewing the following types of local programs?

Legislative sessions, county council meetings, special events, schedules and information about various services?

1: 0 2: 2 3: 3 4: 8 5: 38

Secondary or higher institutional educational programs (UH/DOE), classes, events, long distance learning and other instructional programs?

1: 1 2: 1 3: 7 4: 9 5: 36

A variety of shows produced by local citizens and organizations on topics of their choice. For example: local hula recitals or performing arts programs; forums for local political candidates; heal, nutrition, cooking and fitness shows; local documentaries; video news coverage of community events; a bulletin board of community events; etc.

1: 0 2: 0 3: 6 4: 4 5: 42

7. Do you, or organizations you belong to, find it of interest to have facilities equipment and support available for producing television shows about your organization's activities, to show on a local cable PRG access channel?

 47 Yes 1 No 1 don't know 2 No Response

8. Are there any other matters that you believe should be addressed through the franchise renewal process to help assure that the Oceanic cable system meets local community needs? If so, please comment below (use back of last page if necessary)

- Broadband speeds should be better, especially for live broadcasting capabilities.
- I have all my yes marked and number 5 to show how important it is for me and organization and PEG access channel it is a need to our community.
- A basic package at lower cost/subsidized perhaps for seniors on fixed or limited incomes – could be means tested.
- I believe it is important ... public access stations are needed as regular stations when it come to HD quality of their broadcast, as well as fast broadband internet.
- I will submit any other matters to Donn Yabusaki.
- Hi-definition capability, repeat Akaku on all tiers of service, keep some channel ID's and placement, no diminishment of public spectrum in migration from analog to digital, guarantee same or better PEG access that any other franchise in America where Time Warner does business.
- I believe the community (Maui County) needs and deserves organizations like Akaku. Akaku deserves more funding and every subscriber deserved better internet speeds, up and down, at less cost.
- The internet should regulate to prove what service Time Warner said it will provide. We should have the federal agency here to answer the questions we have on broadband service that you cannot answer – right now they are charging the same prices as Oahu, but we are getting half or less speed. It seems that they can charge and any price they want because no one locally can do anything about it.
- Internet service uses the same cable system. Wave service is lousy – evenings often have only kilo bit download speeds. Oceanic know the service is poor but have shown no desire to address the problem. The monopoly position needs to be regulated by someone.
- Other cable bids
- An immediate audit needs to be completed to make certain all the monies which legally must be provided to Akaku are provided. In addition the full 5% needs to be given to Akaku, NOT 3% as is now. Plus, the 1% which is given to PBS needs to CEASE and returned to public access.
- Support, (financial and community) of local Maui county programs/content – digital and HD support or PEG channels, including additional channel capacity – customer service
- Take some of the power out of the monopoly situation. Provide WIFI for all, put in many public places.
- Increased funding for Akaku, fair treatment compared to other community access stations across nations, HD channels for Akaku, affordable high speed internet service for Maui County.
- Require Time Warner Cable Inc. to pay an additional 5% of their Gross Revenue from Maui County to be paid to the Maui County film office. Also, require Time Warner Cable to provide a HD Channel for broadcasting Maui County independent and student producer productions NATIONWIDE.
- Make all CSPAN channels available to any and all subscribers at no additional charges forever and always without prejudice.

- Public access needs HDTV, Video OnDemand, more support, 10% more bandwidth for public use, affordable access to internet, more technical support for internet, more technical disclosure about the cable bandwidth.
- Yes, the DOE channel was moved to someplace above 300, as a DOE teacher, we no longer have access because Time Warner took away channel 56. It is a terrible loss to our students!
- The .55% uncollected Franchise Fee should be collected and given to public access.
- Akaku deserves fair treatment as another important channel. Akaku needs better funding to better serve 3 islands. Everyone deserves access to reliable internet and local channels like Akaku. Help Akaku evolve with technology and keep honor in all contracts regarding changes in laws or times.
- More funding and support. Akaku over To HDTV. Expansion of Facilities.
- It is important for our community id awareness, understanding how our elected officers are doing, to our islands as a service to the community of Maui, Molokai, Lanai, Without Akaku our community will be going backwards, our community needs Akaku for our community voice.
- No restrictions on where funds are used. Free Wifi in public areas/places. Fast and affordable internet for all.
- Public access needs more funding from franchise fees.
- Funding that takes rising cost into account. Equal public benefits as nation. Fast, affordable internet. Free Wifi in public places.
- Increased funding for build out of digital literacy and new meeting platform to compliment. HD quality channels for Akaku. Free internet access for public places. Ensure access to channels, not pay for or on bottom tier. Cost of living/doing business increases to support Akaku as all costs increase

PART B – Akaku Services Public, education and government access service on Maui are currently delivered by Akaku: Maui Community Television.

1. Are you or your organization an active user of Akaku’s services?

40 Yes 9 No 4 No Answer

1a. if yes, provide any comments you may have on which Akaku services are especially helpful to you and/or what Akaku might do to better assist your productions (use back of last page if necessary):

- Very important for Veterans, very important for the election process
- Provides info to Veterans
- This service that Akaku provides is a blessing for our community on Maui, Molokai and Lanai Islands. It brings a lot of awareness that the community of our island need to know “What is Community”
- Good info – highlighting local activities, political, non-profit and community information – civic education

- Akaku provided the public with news that no one else has since it is the only TV station in Maui
- Maui live poet society, school board meetings repeated more than once
- They need more money to expand to West side and rural areas
- Can't afford video equipment, without Akaku people can't become video editors
- Akaku provides a vital service to Maui County community. They allow residents to learn video technology, air programs that would otherwise never be seen or heard. Government and non-private programming is aired often and is important
- Election/ often local Molokai issues
- Provide to the community meetings that I have missed. Awesome info with community members are able to share with Akaku Maui-wide. It is good to hear from both sides. Akaku does an amazing job; please continue to provide this very important service
- Aspartame issue – make a DVD talking about this poison
- I do NOT have cable available where I reside. So I watch online and the signal is poor! Advertisements every few minutes; dropped signals, etc.
- Very helpful, knowledgeable staff and high tech equipment. Very important outlets for free speech in the community
- Education and classes at Akaku are excellent for kids and adults – also lots of support for community non-profits and excellent coverage of government, elections and community events
- As a member of a Hawaiian Canoe Club our young paddlers have used Akaku facilities to produce public service announcements including cameras and editing equipment
- Community meeting
- Support the Kihei Community Association Television our monthly community public meetings
- Akaku has allowed me to have public access to issues in the community. It provides services for me as well as the community. It also allows me to have access to new knowledge, equipment and opportunity
- Akaku is a great asset to the community but as an independent film producer with US government student loan debt, Akaku "Floods the Market"
- Education in production, how to tell a story
- Helpful access to equipment and production facilities citizens and students to produce programming
- Video Programmable service
- I have directed hundreds of shows on Akaku for different production companies: crossroads, Maui talks, nation news, truth and justice and other that have come and gone in the past 3 years. If feel that HD services is a must and should be added to the standard definition that already is in place. 6 Channels altogether.
- I allow people to have a voice and to share stories. I cover events and social issues as a platform to get issues out by corporate influence.

- Current events, political and community. Highly educational in many aspects. Has been a great, positive influence. Excellent staff.
- I am a volunteer at Akaku and the staff is a plus. Staff members are teachers at Akaku that are willing to teach anyone.
- Akaku provides everything needed to present information etc., for the public.
- Opportunity to intern while attending UHMC-ECET program, take all classes available, reserve and use all the equipment, 1st show- MCBRC, lunch workshop for small business, 2nd show – MIL paddling regatta, edited and produced at Akaku. Next big project is documenting stores for KA Ohana Kalaupapa. Historical stuff –those one of a kind things! Mentoring, shadowing, and getting advice and direction from some of the most talented people in our state! Right here at lil’ ol’ Akaku! I’m excited to volunteer for live shows. It is a full blown classroom for me. Guessing there is at least 200 years of combined experience under that tiny roof. I am the fortunate one!
- Access equipment (computers/cameras).
- Help promote community events.
- The Airing of youth programs including youth sports. Access to equipment.
- Distributes content on issues and groups underserved in commercial television-voice on local community. Provides access to equipment for producing non commercial community content. Provides education and mentorships for media productions.

1b. If no, what services would Akaku have to provide for you to consider utilizing Akaku’s facilities and services?

- On the other islands our service is poor. Molokai and/or Lanai. What is our community worth?
- None. Thoroughly support Akaku services
- Rotary events such as the Mike Lyons Palaka Awards
- N/A
- Broader coverage of state legislative and educational programming.
- Better faster internet through time Warner
- N/A I am happy with Akaku
- Interest in watching
-

2. What types of current Akaku shows (or names of specific programs), if any, do you value most (use back of last page if necessary)?

- Informational programs, government meetings, cultural shows, children’s programs and educational shows
- When it is about our elected officer that do not agree with the community of our island of Maui, Molokai and Lanai.
- Cultural, civic and current events and issues.
- It’s not so much specific programs rather than different stories. Lately Akaku had a show on the Maui Mesa Mall. The election coverage is also important.

- County Council, channel 54, news and public affairs.
- Community produced shows are my favorite shows.
- County council, commission meetings, etc. We also watch a lot of the community programs.
- PSA.
- I was the producer/host of Maui talks-tv, a public affairs, 90 minute live program, which was on for over 9+ years. With more reasonably priced trainings the show could be back on the air.
- Gout a public programs
- County council, a variety of show dealing with Maui issues
- Government meetings, candidate forums
- Election coverage, events coverage, news programming, documentaries, call in talk shows
- Community events, Hawaiian cultural events, election coverage
- Interviews and public opinion shows
- Amy Goodman news program
- All of Maui community TV
- County councils, planning department, and other governments meetings is VITAL. No Profits of numerous types, can use open mic service
- Election coverage live.
- I watch a variety of programs on Akaku. Most are valued and interesting
- Public health and community forum on local safety
- All live shows, community events, local produced shows
- All info about Maui – where else can you get the pros and cons
- County council, election coverage, citizen programming
- Local news
- Vegan food – prepared by Artie Swingle and youth Tiffany Taniele. Very Educational and healthy
- County council meetings
- LV; Talk stories, Cultural
- All Akaku shows are interesting
- Cooking demonstrations
- County council, boards and commission, talk shows with local residents and topics.
- Talk V with Dr. T
- I enjoy all of the productions that this community provides. Akaku programming is alright, there should be more of it, also channel and the internet.
- Government proceedings, election coverage, Akaku news, Social issues/open mics.
- Why in the world are they spraying.
- Government.
- Love all three channels. I watch them at all times throughout the day.
- Current events, past, history and modern Hawaiian history.

-
- Love to watch shows that are similar to the ones I produce or ones I would like to produce. In many cases, I'm able to talk to other producers and determine how was shot and/or edited. Government channel is incredible! Maui County has nothing to hide from those who get cable. Akaku invites the public in to view 52, 53 and 54, love those local garage bands style.
 - Arts and Cultural programs.
 - Government.
 - Arts, Sports, youth, cultural programming.
 - Count council meetings, community shows, elections.
 - Election coverage, media salons, county politics, commissions, councils, youth sports, community stories.
3. Are there other services or specific types of shows that you would like Akaku to offer to better address community needs (use back of last page if necessary)?
- To serve as an informational hub; with fast internet speeds for meetings and seminars.
 - When our community has children that are willing to learn how to begin Akaku will be there to help the children learning process
 - I think Akaku could expand their service to the public if funding was extended.
 - News and Sports.
 - No.
 - No.
 - Two way testing for county council hearings plus boards and commissions, from various county and public facilities.
 - More online classes
 - I used to see "NPR"; would like more in that vein, national news, etc. (Democracy Now)
 - HD Capabilities – Akaku has the technology but HD channels are not provided to them by Time Warner
 - Akaku could do even more with more resources to expand media education, community coverage and local news. Also, develop web platform as well as tv.
 - No
 - "For Profit" Services
 - More live coverage and video on demand
 - The selection is excellent on Akaku
 - Senior citizens programs, more Hawaiian language programs (learning the language), historical programs (land use, history of Molokai, Binds, natural reserves), ranching & agricultural
4. Provide any other comments you may have on how current Akaku services do or do not help to meet community needs (use back of last page if necessary)?
- Akaku tries its best to video many events of community value – the staff is helpful and impartial in its programming and government issues. It is the only place to use

expensive equipment I can't afford, the only chance to air my views and learn digital technology.

- As a volunteer at Akaku, I find myself learning how to do audio work to understand what I must know. I still need to know how to add music which I must know. They have shown many ways that can be taught or learning.
- The trainings are TOO expensive for many people. With more funding from the franchise provider, the full 5%, at least, perhaps the fees could be lowered
- Great community service. Without Akaku, there would be no voice – especially for Maui County community
- Akaku gives the public a forum for sharing information and discussing important issues for the community. The public has a right to have these broadcasting capabilities free of corporate interests
- I have done more than 500 shows over 18 years here. Constantly people thank me for info delivered and forum for many people and organizations
- Akaku does a wonderful job of presenting local government meetings and covering our local elections
- Provide Maui info as ONLY television services
- Akaku services do allow the community to have access but gorging Akaku for more support would only benefit our community as a whole, allowing everyone to keep up to date on unique island issues
- HDTV needs, Faster internet
- They, Akaku, do an excellent job
- Needs another employee
- First of all, they are the only stations that television Maui concerns. A lot of the programming on Akaku is much better than commercial stations.
- Be on on the weekend.
- Akaku provides services that teach you how to use and maintain Final Cut Pro X, field camera and studio productions.
- Akaku does amazing work with what little is has and therefore needs a substantial amount of money and manpower to serve even better.
- None.
- I am a volunteer who loves to learn and it is hard for me. I am lazy eyes at the computer so much to be invisible at the program.
- Through education (through the lack of funding and skill of all employees and volunteer staff) Akaku is in need of more airtime for the flood of videos coming in from Maui County. Need more channels and internet service.
- With shoestring budget, Akaku is providing a veritable service to Maui County though with increased funding could provide more and better services. Such as, additional educational classes, better quality broadcasting and current technology equipment.

PART C – Other comments. If you have any additional comments not addressed above regarding community needs that you believe should be addressed in the franchise renewal process please note them in the space below.

- Maui County needs Akaku. Maui County needs better internet service – much faster and much cheaper. To provide the services our community deserves.
- Our services need to be faster on our internet. Our PEG service needs to be updated. Have more respect for the community as a service to the community on three different islands.
- Increase franchise fee to 5%. More capital money \$6.00 per sub. Rededicate 1% that currently goes to PBS to Akaku. Contract with Akaku should be ironclad despite change in Federal or state law for duration of franchise term. 25 hours a month of VOD for PEG. 10% of all bandwidth should be dedicated for public use. Free wifi in public parks. Fast, affordable internet for all: 15mbs by 2014, 24mbs by 2015, 50 mbs by 2015, 1gig by 2018.
- I am currently a customer of Oceanic Time Warner Cable. In looking for better pricing, I was tempted to go with another vendor. When I realized I couldn't get Akaku through the other vendor, I stayed with Time Warner. If Akaku is eliminated, I will go to another vendor.
- Akaku channels are currently only broadcast on regular analog channels. Like other commercial stations who are currently broadcast on both analog and HD channels, Akaku should be allowed this service/opportunity.
- Free WiFi at public facilities. Free internet connection and services for designated public facilities NEEDS to be required.
- I would only re-iterate the excellent testimony as stated today
- Akaku's staff, board, volunteers and producers are committed to supporting free speech for the public. This organization of dedicated professionals deserves the rights and respect that other public access stations across the country already receive.
- Equal treatment – same format and quality as local commercial channels. Don't move channels to where people can't find them. Or need special equipment. Fast, affordable internet for all. Free public internet in designated areas. Increase funding for community media, including cable TV and new media
- I am in support of Akaku and continuing its funding to continue youth education and access to equipment. As a 19 year old, I can personally say that the funding of Akaku and allowing them to continue its education for youth will give them opportunity like no other, from people who are professionals in their field.
- DCCA should inquire with Google Inc. and other European service providers to see if they would offer a better deal than what Oceanic Time Warner Cable is offering.
- Keep the channels for Akaku 52 & 53, 54 & 55 intact and do not move them.
- Please keep Akaku for Molokai. 8 Families homes at eastern but no cable. Its stops short 1 mile away. How can you help us? We live in Waiialua, on the 19 mile marker. Thank you ☺
- I would also like to see instated into Akaku services, editors, for the community. Not every organizer is able to afford to send people to be trained and or community members don't know how to edit. Akaku should edit up to 15 minutes of unedited film for community members. If John Doe came off the street and asked for editing it should be provided.

- We need Akaku in this community. PEG access is here to stay and is the voice of Maui County. 20 years is a long time, protect Akaku no matter what the future may hold.
- I will be emailing my summary tonight.
- MCC deserves no money. They do not provide the public access to equipment/facilities. Unless they can afford it. Sorry my penmanship sucks; I was elected by the DOE.
- Please support community television with funding.
- I spent hours trying to figure out where channel 75 was – it was listing Comedy Central – had no signal. Frustrating not to be able to go to a regular channel and not be there. I would like all channels to stay where they are – so many are missing. Does that mean we can have more for public TV? 47, 48, 49, 50, 51 all seem to not have listings on cable... let's turn them into some PEG system channels. Oceanic Time Warner has such a monopoly going on – they seem to own all the real estate and putting on three hotels, god forbid I land on one of their properties! They are no longer fun to play with – game over – restart.
- Akaku is a beneficial program to the public and is important to a healthy community.
- Stable internet which meets fee definitions, free internet in public places, full 5% pass through of franchise fees, top tier high definition channels equal to commercial broadcast, increased funding clause to equal cost of living/cost of doing business in increases over contract period.

STAKEHOLDER INTERVIEWS

Introduction

As part of the franchise renewal ascertainment effort, DCCA requested face-to-face or telephone meetings with representatives of key government, education and non-profit organizations—stakeholders currently heavily involved in the use of cable resources, or for other reasons having a strong interest in the future direction of cable-related services in Maui County.

At the date of this report, many of the requested meetings have taken place. In each meeting, CATV Administrator Yabusaki, other senior staff members or consultants a) briefed the stakeholders on the cable franchising process, b) solicited key concerns and recommendations, and c) requested stakeholders to submit written comments to DCCA for use in the process.

Below are listed the stakeholders invited to be interviewed, the dates of meetings held in 2012, participants in the meetings, and an indication of any recorded feedback resulting from the meetings.

Meetings Requested and Completed

- State Senators

Senators Baker, Tsutsui and English were contacted by DCCA. Office meetings were held with Sen. Baker on July 19, and with Senator Tsutsui's staff on July 30.

- Members of the State House of Representatives

Representatives Souki, Agaran, McKelvey, Fontaine, Yamashita, and Carroll were contacted for meetings by DCCA. Conference call meetings were held with Rep. Agaran on July 5, and Rep. Souki on July 10. Office meetings were held with Reps. Fontaine on July 9, McKelvey on July 10, and Yamashita on July 11.

- Maui County Mayor and staff

An office meeting was held with Mayor Arakawa and staff person Rod Antone, on July 24, as requested by DCCA.

- Maui County Council Members and Chair

Council members Mike white and Don Couch, as well as Council Chair Danny Mateo and Vice Chair Joseph Pontanilla, were contacted by DCCA. Office meetings were held with all of these individuals on August 28.

- University of Hawaii and UH Maui College

Following a request by DCCA, an office meeting was held on August 29 with UH Maui College Chancellor Clyde Sakamoto, Vice Chancellor for IT Debasis Bhattacharya, and the College Counsel Brian Moto. David Lassner, VP for Information Technology and CIO of the University of Hawaii, was also contacted by DCCA.

- Maui County Community Groups

DCCA requested meetings with several Maui County community groups, including the Maui Chamber of Commerce, Maui Rotary Club, Kihei Community Association, Maui DCCA RICO Office, Maui AUW Agencies, Hawaii Public Radio, and Maui Economic Development Board. Office meetings were held with the DCCA RICO personnel on July 24, and with David Ratz of the Maui Economic Development Board on August 28. An interview on the franchising process was held on Hawaii Public radio on August 20, and DCCA staff held several telephone conversations with the newspaper Molokai Dispatch.

- Institutional Network (I-Net) Partners

DCCA contacted I-Net group members, including Sharon Wong of State Information and Communications Systems Division, Chris Zane of the University of Hawaii, and David Wu of the Department of Education.

- Hawaii Educational Networking Consortium (HENC)

A meeting was requested with HENC members, including representatives of the University of Hawaii, the Department of Education, and the Hawaii Association of Independent Schools. DCCA anticipates communications with stakeholders in the future still.

Ideas from Stakeholder Meetings

Among the ideas, concerns and recommendations arising from DCCA's meetings with stakeholders are the following:

- Interest in supporting community media services
 - Increased channel capacity
 - Increased funding
- The need to increase commercial and public benefit cable-related services to Maui County relative to services on Oahu, including the need to reach Molokai and Lanai with all services
- The need for improved broadband service throughout the County
- An interest in expanding public interest services on the cable, such as teleconferencing capabilities for government and community agencies, better access to state and local legislative process, the means to reach diverse ethnic communities in the County
- The need for additional educational channels and support for UH Maui College and K-12 use, including HD channels
- Interest in greater involvement of UH Maui College in delivery of services related to the cable, including emergency communications, general primary, secondary and higher education, health education, economic development, environmental issues. For these purposes, interest in improving television and broadband technology and coverage, pursuing fiber-to-the-home, expanding I-Net services, developing collaborations between UH, Maui College, I-Net Partners, DCCA, DOE, Time Warner, Akaku, other agencies.
- Encouragement to DCCA to pay particular attention in the franchise negotiations to certain additional key issues: basic rates, the amount of franchise fees collected from the company, customer service concerns, the use of the I-net for public purposes, and the availability of service to unserved or underserved areas in the County

Written Communications

Written communications were received from several of the stakeholders invited to interviews by DCCA. All of these letters are included in Exhibit A. They include letters from the following:

- State Legislators. Letters were received from Senator Rosalyn Baker, and Representative George Fontaine
- Maui County Council. Letters were received from Council member Gladys Baisa, Donald Couch, Elle Cochran, and Mike White

- Maui College. Letters were received from Chancellor Clyde Sakamoto, from Vice Chancellor Debasis Bhattacharya, and from Robert Alpert, Media Coordinator
- Akaku. A letter was received from Jay April, Executive Director of Akaku.
- Maui Organizations. Letters were received from:
 - Jeremy Baldwin, President, Makawao Community Association
 - John L. Villiarimo of the Hana Youth Center, Inc.
 - Jeanne Unamuri Skog, President and CEO, Maui Development Board
 - Malia Cahill, Executive Director, Maui Huliau Foundation
 - Mike Moran, Vice President, Kihei Community Association
 - Cheryl Zarro, Board Member, South Maui Learning Ohana, Inc.

In the following section, we summarize the themes occurring in the written communications received from all parties.

LETTERS, EMAILS, WRITTEN COMMENTS

Introduction and Summary of Findings

DCCA solicited written comments from the public as part of its effort to ascertain community needs and interests relative to the franchise renewal process. Requests were made for written feedback at the community forums, at stakeholder interviews, on the DCCA website, and in other communications. Akaku also made efforts of its own to publicize the opportunity for written feedback in the renewal process.

By the September 14, 2012 deadline published by DCCA, 78 letters and emails were received at the agency. They were from the following sources:

- Island of Maui Residents (41 letters)
- Island of Molokai Residents (16 letters)
- Island of Lanai Residents (1 letter)
- Maui County Council (3 letters)
- State Legislators (2 letters)
- State of Hawaii PEG Organization Executive Directors (4 letters)
- Maui County Community Organizations (6 letters)
- University of Hawai Maui College (3 letters)

We have summarized the content of all the letters received, and the summary is included in the Exhibits to this report. Also included are complete copies of letters from several individuals, and from official representatives of several organizations, whose written feedback was particularly comprehensive, or appeared particularly representative of the needs and interests of various stakeholders in the franchising process as expressed in all elements of the ascertainment. We especially wish to refer the reader to these Exhibits, as much care was spent in composing many of the letters. Copies of all letters received have been retained in the CATV Division files.

Major Themes of Written Comments

- **Appreciation for PEG Access and Akaku**

A large number of letters (about 50) expressed appreciation and support for the work of Akaku and for having strong local PEG Access and community media services in Maui County. Consistent with testimony at the public forms, and in the results of the questionnaires and surveys completed in the franchising process, specific services mentioned as valuable include the following:

- Courses provided at Akaku in TV production, community journalism, digital media
- Providing educational opportunities and coverage of local events on Lanai
- Uncensored programming
- Coverage of government and civic organization meetings
- Highly cost-effective production of programs
- Opportunity for long-term programming involving interviews, political affairs, goal-setting, art and music, etc.
- Passion and professional competence, along with leading edge technology, exhibited in Akaku operations
- Akaku's commitment and service to education and youth
- Service to all legislators for maintaining communications with constituents
- Health care education programming of special importance for remote areas like Molokai, and for disadvantaged populations
- Community media as venue for civic engagement
- Forum for 1st amendment free speech in the County
- Resource for local information sharing
- Jobs and jobs training provided by Akaku
- Local voice and local stories not supplied by commercial TV

- **Specific items of support recommended for Akaku and Community Media**

Review of the written comments received at DCCA reveals a list of 10 specific items of support for Akaku appearing as the most common recommendation of the respondents. There were fourteen identical letters listing all ten items, in the exact format of a model letter which was posted on the Akaku website for the use of respondents. Many other respondents recommended some or all of these items. We list the items below. The items with by far the largest number of mentions (more than 40) are item (3) recommending stable, increased funding for Akaku; and items (7) and (8) specifying the establishment of fast, affordable Internet service for all. These latter items would benefit Akaku and community media services, but evidently are meant as a recommended commercial broadband service to be available throughout Maui County for economic development and general informational needs; as such, because of its frequency in the responses, it is the basis for a major theme category of its own, represented following this subsection. The other items in the model letter are all mentioned often—between 15 and 30 times.

The model letter begins with comments on the unique situation of Maui County, with its four islands separated by water, with many Native Hawaiians and many underserved areas, requiring

a franchise unique to Maui (26 letters mention this). It recommends preserving Akaku and community media as an “electronic commons” necessary in a County where Akaku provides the only local TV media (18 mentions).

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels, including HD, and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Increase funding and capital support to Akaku, with no restrictions on Internet and new media use. [Specific recommendations include having DCCA collect a full 5% of TW gross revenues—or more, up to 10%—and devoting the increase to Akaku; increase funding annually; provide operational funding at a full 3% of gross revenues, with no caps or limitations on funds]
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contracts with DCCA and Akaku regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public benefit use.
7. Provide fast, affordable Internet for all
8. Meet the Governor’s goal of symmetrical gigabit Internet by 2018
9. Free wi-fi in public parks and designated areas
10. Provide Akaku 25 hours of Video on Demand

Several respondents also recommend that dark fiber on the Institutional Network be activated for Akaku and other public benefit use.

In addition to the cluster of recommendations reflecting the 10 items in the model letter, a separate letter, consistent with the model but containing 27 specific and quite detailed recommendations, was sent to DCCA by Akaku’s Executive Director. Two Maui Council members also submitted letters listing these 27 items, and many of these items appear in the comments of other respondents. These letters observe that the uniqueness of Maui calls for a unique franchise, and urge support of community media as an “electronic commons” regardless of technology. They encourage DCCA to negotiate benefits for Maui comparable to the best in the nation, and set forth 4 principles:

- equal rights for community media;
- sustainable Akaku funding for the future;
- no “digital divide;”
- and the recommendation that DCCA negotiate both for community media and public spectrum use, and for broadband internet.

The 27 specific items address the quality, format, spectrum requirements, and accessibility of Akaku channels and programming; promotional spots for Akaku services; capital and operating funding needs; support needed during anticipated technological transition; the availability of Internet service generally and for community media purposes; the use of the institutional network for public purposes; and the enforceability of franchise provisions. These letters in

their entirety are included among those in Exhibit A, and we particularly direct the reader there for the detailed analysis they provide.

- **Fast, Affordable Internet Services for All in Maui County**

Of the letters received by DCCA, 43 mentioned the need for fast, affordable Internet service everywhere in Maui County. Several letters described and complained about the current situation in the county, in which the Maui West/Lahaina franchise area—comprising Molokai, Lanai and part of Maui—has only the “Wave” Internet service. This service is reported as advertised to provide up to 5 Mbps download speed, but as seldom if ever actually approaching that speed, and appears to slow to less than .5 Mbps during some evening times where internet traffic is heavy. Upload speeds are similarly reported as extremely slow during heavy traffic times. The service is reported as inadequate for rapid web searches, streaming video, etc. Several letters pointed out the disadvantages inadequate Internet service entails, not only for individual use, but for the purposes of economic and commercial development in the area. In the area covered by the Maui County franchise, TW provides its “Roadrunner” service, which is advertised to have download speeds of up to 10 Mbps, and has generated many fewer complaints than the Wave service. One Molokai respondent wrote letters to DCCA which included many pages of what were represented as the speed-test logs of speeds he had recorded on the Wave service over several months, showing many instances of download speeds less than .5 Mbps. The letters also included what were represented as logs of Internet outages occurring many times a day over several months. In addition to complaints about speed and reliability, respondents complained about the price of the Wave service, reported to be the same as for the faster, more reliable Roadrunner.

Like the support for Akaku and community media services, support for making affordable high-speed Internet service available county-wide came from all of the groups writing letters to DCCA. There was a lone letter of dissent, expressing gratitude for the current service, and opining that TW might be losing money providing it.

Specific recommendations for improving the broadband situation in Maui County include the following:

- Provide speed and quality equal to anywhere in the country.
- Provide a uniform, symmetrical 15 Mbps service throughout the County
- Meet the Governor’s goal of symmetrical 1 Gb service to all by 2018 [this was a frequent recommendation, with 21 mentions]
- Free wi-fi should be provided in parks and certain other facilities, including “community anchor” institutions, public and private schools, government buildings, hospitals, libraries, community centers, community media centers, non-profit agencies, and Akaku [this, too was frequently recommended, with 18 mentions]

- **Maui College Concerns**

Maui College has a number of specific recommendations that appear in the letters from College officials, and also in letters from other respondents. These include the following:

- Provide for educational content in digital format
- Provide for collaboration between TW and Maui College to make College facilities suitable for emergency and disaster communications

- Support partnerships between PEG operations and Maui College for economic development and education
- Maintain the current level of analog educational cable service throughout Maui County
- Provide two and eventually more digital educational channels for Maui College use
- Provide for getting Maui College educational content on handheld devices
- Serve remote and disadvantaged sections of the population with educational access

- **Customer Service and Related Issues**

Several customer service issues were raised in the letters, both by Molokai and by Maui residents. Matters respondents complained of in their letters include the following:

- Persistent technical issues, outages, and generally low-quality cable service on Molokai
- Confusing system for identifying channels in the cable TV lineup
- Technical problems with DVR equipment
- Lack of timely phone answering by customer service representatives
- Inadequate office hours
- Slow credit adjustments
- Inadequate technology for HD and streaming on Molokai

These complaints are consistent with indications of customer service issues in the results of the Customer Service Survey described in Customer Service Section of this report.

- **Negotiation and Franchise Recommendations**

Respondents offered a number of recommendations for specific franchise provisions, or approaches to negotiations. Among these recommendations are the following:

- Franchise discussions should be regarded as contract negotiations, as well as an exercise in local regulation under federal guidelines
- Give DCCA authority over all TW services to the home, regardless of technology
- All services provided on the cable, including Internet, should be included under DCCA's responsibility in negotiations
- Net neutrality principles should be guaranteed
- Bring about the consolidation of the Maui County franchises into a single franchise [but one respondent dissented, recommending keeping the franchises separate in order to more clearly focus on the specific problems of individual territories]
- TW should provide compensation if consolidation of Lahaina and Kahului franchises is granted
- Continue contractual agreements between Akaku, DOE and Maui College
- Provide additional PEG capacity for digital and HD programming
- Do not grant TW a long franchise, especially without periodic review. Suggestions:
Restrict the franchise to 7 years; give 10-year franchise with periodic review to
- determine whether TW is keeping up with technology; give a 20-year franchise, but with a 10-year contract to negotiate

- Require TW to extend service to unserved areas for Akaku Access and general programming
- PEG services should not be put out to bid
- Address the issue of the extent to which TW provides DCCA with viewer statistics
- Consider withdrawing funding for HPTV
- Attempt to create competition for TW

CUSTOMER SURVEY

Introduction and Summary of Findings

As part of the ascertainment of community needs and interests involved in the franchise renewal process, DCCA conducted a brief written survey of customer opinion on various topics related to services provided by Oceanic. The survey was distributed at each of the three Public Meetings placed in the DCCA web site, made available at DCCA's office. Fifty-six completed surveys were collected by DCCA through September 15, 2012. Of these, 45 were from Oceanic cable subscribers. Written surveys like this one involve self-selected respondents, and thus typically make no claim to statistical validity. However, they can be quite useful for identifying the nature of the concerns that have prompted a survey response.

The survey questions, with results from East Maui, West Maui, and Molokai, are represented in their entirety below, including a summary of all final comments offered by respondents. The responses to Questions 1-11 speak for themselves, indicating areas of possible concern regarding the quality of TV reception, the time it takes for a caller to reach a TW customer service representative, the effectiveness of TW's web/email Help Desk service, the responsiveness of TW's repair service, and TW's handling of cable bills. Sixteen respondents rated the overall performance of Oceanic as good or very good, 15 rated them fair or poor. Comparing Oceanic's service and performance to other providers used by the respondents, 5 respondents rated the cable company #1, compared to 10 giving that rating to the phone company and 20 to the electric company.

Responses to Question 12, which called for a written final comment, yielded comments falling into the following categories:

- Complaints about the speed, reliability and price of Internet service, especially on Molokai and in other outlying areas
- Appreciations of Akaku and community media service, and calls for supporting them
- Complaints about TV picture quality and price
- General complaints about Oceanic and its service
- A comment on the consolidation of Maui County franchises

Survey and Results

The Department of Commerce and Consumer Affairs, State of Hawaii, is currently in a renewal process for a possible new franchise agreement with the cable TV provider, Time Warner Entertainment Company, L.P. dba Oceanic Time Warner Cable (“Oceanic”) for Maui County and Lahaina/West Maui. Your comments and input are important to us in this process. We ask for your help in completing this survey and sending it to the address below. Thank you very much for your time and effort.

1. Respondent Status

Are you a current cable TV subscriber?

Yes	No
45	11

If yes, how long have you been subscribed to Cable TV?

2 years or Less	More than 2 years
1	44

(If you are not a current cable subscriber, go directly to question 10, Questions for Non-Subscribers)

2. Reception

A) Have you experienced repeated or prolonged problems with your cable TV picture or sound (such as shadows, waves, graininess, outages, etc.) any time during the past 2 years?

Yes	No
33	11

B) If yes, did Oceanic resolve your problem to your satisfaction?

Yes	No
6	18

C) How would you rate overall, everyday quality of your cable TV reception? (Please check only one.)

Very Good	Good	Fair	Poor	Very Poor
7	15	21	2	0

3. TELEPHONE

a) Have you attempted to call Oceanic in the last two years?

Yes	No
39	5

(If no, go directly to question 4, Web and Email contact)

b) When you last tried to call Oceanic, did you get a busy signal?

Yes	No	No Answer
9	24	2

c) Once connected, how long did you have to wait before you actually spoke with a live customer service representative?

No wait at all	1
Less than 30 seconds	1
30-60 seconds	4
More than a minute	31
I was never connected	1
No Response	2

4. WEB AND EMAIL CONTACT

a) In the past two years, have you used the “Help Desk” feature on Oceanic’s website to contact the company for customer service issues?

Yes	No
6	38

(if no, go directly to question 5, Service)

- b) On average, how many business days was it before you received an email response from Oceanic?

One	2
Two	2
Three	1
More than three	2
Never heard back	1

- c) How would you rate the overall effectiveness of Oceanic’s response to your issues(s) via the web/email Help Desk service?

Very Good	Good	Fair	Poor	Very Poor
0	1	5	1	0

5. SERVICE

- a) In the past two years, has a service technician visited your home to make a repair or to correct a problem?

Yes	No
26	18

(If no, go directly to question 6)

- b) What was the problem?

No picture(or no sound at all)	2
Poor quality reception or other problem	22

- c) Were you offered an appointment at a specific time or at least within a 4-hour period of the business day?

Yes	No	No Response
16	9	1

d) Did Oceanic keep the scheduled appointment?

Yes	No	No Response
20	5	1

e) How many visits to you home did it take for the service technician to make the repair or correct the problem? (Please check only one)

One	11
Two	5
Three	1
More than three	5
Problem was never corrected	4

6. BILLING

a) Do you find your bills from Oceanic to be clear, concise, and understandable?

Yes	No	No Response
30	10	3

b) Do you find your bills from Oceanic to contain all information reasonably necessary to indicate what you are being charged for?

Yes	No	No Response
25	13	3

c) Have you had a billing problem in the past two years?

Yes	No	No Response
11	29	3

(If no, go directly to Question 7, Courtesy)

If yes:

How would you rate Oceanic's handling of your billing problem?

Very Good	Good	Fair	Poor	Very Poor	Complaint never resolved
2	4	5	6	1	1

7. COURTESY

In your telephone and in-person contacts with Oceanic, how would you describe the courtesy with which you were treated?

Very Good	Good	Fair	Poor	Very Poor
10	19	5	2	2

8. OVERALL RATING

How would you rate the performance of Oceanic overall?

Very Good	Good	Fair	Poor	Very Poor	No Response
5	11	9	6	0	1

9. COMPARISON WITH OTHER SERVICES

Of the following service providers, which would you rank 1st, 2nd and 3rd for overall service and performance? (Answer if you are a cable TV subscriber or have been one previously)

	Cable Co.	Phone Co.	Electric Co
Rated #1	5	10	20
Rated #2	11	15	8
Rated #3	14	10	6

10. QUESTIONS FOR NON-SUBSCRIBERS

a) Why don't you subscribe to cable TV?

Don't watch much TV	2
Cable is too expensive	7
Watch video content on the internet instead	2
Cable programs not interesting to me	2
Used to subscribe, but unhappy with the service	3

Subscribe to DBS service (Dish Network or DirectTV)	3
Other (Please Specify)	1 (Not avail. in area)

b) What would cause you to subscribe to cable TV in the future?

Lower rates	9
More variety of service packages	5
Better company customer service policies	6
Ability to get line extended to residence	1
Other (Please specify)	3

Other: Better local channel access,

I do not like packaged content offerings; would prefer Hulu or Netflix, etc.

Not available in area

11. Oceanic has requested that the Department consolidate the Maui County and Lahaina/West Maui franchises into a single cable television franchise for the entire County of Maui. Oceanic contend this change would bring increased operational and administrative effectiveness for all stakeholders. If adequate steps are taken to ensure that the specific need and interest of all area of the County are considered in developing a consolidated cable television franchise would you be in favor of the Department issuing a single franchise renewal for the County if Maui?

Yes	No	Other
15	17	2

Don't know

Other

No opinion

An informed citizen is essential to democracy. Oceanic capitalizing on their position of no competition and the integrity suffers as does democracy

12. FINAL COMMENT

Do you have any final comments to make? (Summarize comment, use extra sheet if necessary)

- Oceanic commitment to reliable, consistent High Speed Internet service has not been good. Residents reporting problems are told "they are the only one"...when the fact is that many have suffering outages.

- Oceanic is a dirty robbing company. Akaku deserves better, as do Maui families.
- Internet Speed Test verify that Road Runner is unstable and inconsistent service and fall below FDD thresholds of 4mbps download and 1 mbps upload speeds are the speeds promises in the lowest tier offered to the public at a \$40/mo and cost.
- Service to Hana very poor – slow, intermittent! Needs a local rep. not just on Wednesdays and from the other side of the island.
- High price for poor picture quality. I have a few HD TV's and it doesn't make a difference. Pixilates picture often.
- Increase funding from franchise fees that are being withheld.
- Akaku is extremely important to Maui.
- Want Akaku to go to HD TC, More funding and support – lots more, keep Akaku alive.
- Need to do survey about internet because Oceanic's internet SUCKS!
- Big business has little concern for Maui. We have no cities, only towns that blend into island style small business!
- More funding is needed for public access from cable.
- TV signal tends to break up for extended periods of time (several days)- sometimes the sound is broken up. The signal seems to stall sometimes
- Support the 5 point Akaku proposal
- Oceanic's internet/broadband service sucks! Its slow to download and goes down on a regular basis
- Give public access full 5%
- Internet half speed at full price
- Leave public access stations
- I believe the cable charge is too high, as well as road runner, with slow up/down speeds.
- Better Broadband speeds
- Oceanic needs to work for the franchise renewal and consolidation – no objection to consolidation if provide additional comments and services to address community needs and address concerns raised by Akaku - use as a negativity tool – if it is important to TW they should get numbers or other commitments in return.
- I watch Akaku over the internet and Roku
- Demand that 5% of franchise fee of gross revenue be provided to Akaku – all the latest technology be provided to Akaku
- I subscribe to Oceanic telephone and internet. These services should have been included in the survey. Maui county need affordable high speed internet.
- I have cable internet in my home but the same level of service was prohibitively expensive or not available for my small business. Internet service must be faster everywhere and affordable everywhere. Current Oceanic Time Warner availability is discouraging economic development instead of supporting it. Much too slow and too expensive
- I want Akaku to remain funded and retain their existing channels.
- I will submit an ordered list of items I consider important to be addresses if franchise it to be granted for the next 20 years.
- Better support for public access.
- We all need access to WiFi; I don't, as my only income is Social Security. So I have to take my laptop to McDonalds Library (very limited hours)
- The Oceanic Cable Franchise monopoly is a “for profit” business piggy backing on what is a “Public Utility”, as in the venue for their cable to reach our homes and facilities. Therefore,

they rightfully should provide the “public” with the “public service” which only Akaku provided. To do anything less than what the public in the 21st century requires and should be under contract would be kicking Akaku and “the public” to the curb and expecting us to subsist on the substandard scraps allowed in their view of Trickle Down Economic Services they wish to provide. This is NOT pono. Please consider all the details, and do what is.

- Public access TV is quite important I believe.
- Require Time Warner Cable to pay an additional 5% of their Gross Revenue from Maui County to the Maui County Film office.
- Pricey for crappy service.

COMPLIANCE REVIEW

In accordance with federal Cable Act guidelines, a compliance review has been undertaken on behalf of DCCA, examining the cable company's past adherence to the principal requirements set forth in the several documents which govern Oceanic's franchise obligations to the State. Among other documents we examined for this effort are the following:

- Provisions of Hawaii Revised Statutes
- Hawaii Administrative Rules
- D&O's of the DCCA, including:
 - For County of Maui franchise, principally, 241, along with 141, 148, 150, 187, 239, 261, 317, 321, and 329
 - For Lahaina franchise, principally 174, along with 245, 261, 321
- An 8/11/2000 DCCA Letter Order to Oceanic, and additional Letter Orders from 2006 through 2011.
- FCC regulations governing cable system technical standards
- DCCA's tracking system for cable company reporting requirements

In addition we interviewed DCCA staff, and made use of the engineering review completed by Brian Nordlund, which is part of this report.

A detailed outline of our findings is represented in the chart below. In brief, the cable company is in full or substantial compliance on most of the requirements we examined. However some required reports were submitted late, and so noted; and questions about customer service, providing senior discounts in bulk accounts, and the technical performance of the system, need to be addressed by Oceanic, and may call for further investigation.

**COUNTY OF MAUI/ LAHAINA FRANCHISES
OCEANIC CABLE COMPLIANCE CHART**

REQUIREMENT	SOURCE DOCUMENT(s)	COMPLY	NOTE
Annual Customer Satisfaction Survey	8/11/00 Letter (Ltr) Order	Yes (late)	This survey covers all of the Oceanic systems, including Maui. It was provided on time in 2009, and late in 2010 and 2011.
Statement of no violation of franchise order, annually by 4/30	D&O 241	Yes	Provided on time for both franchise areas, 2009-2011.
FCC CLI Test Results, 30 days from test	§16-131-47, Hawaii Administrative Rules (HAR)	Yes (late)	Regularly provided, however, not within 30 days of test, as required. E.g., Test done on 10/25/2011 was reported 1/30/2012.
Feasibility of Cable Service to Unserved Communities Report, annually	D&O 261	Yes (late)	Regularly provided 2009-2011, but 1-3 mos. Late.
Access Operating Fee of 3% of gross revenues to Akaku, by 1/31 (variation in 2010 per DCCA Letter Order).	D&O 174, 241, various Letter Orders 2006-2011	Yes	Paid on time 2009-2011. Amounts verified in periodic franchise fee reviews by Merina & Co.
Access Capital Funds Payment to Akaku, 2005-2013	D&O 321 (amends D&O 174, 241), various Letter Orders 2006-2011	Yes	Paid on time, 2009-2011, as verified in Merina & Co. reviews.
Report on Ownership- 1 or more %	§16-131-43, HAR	Yes	Provided on time 2009-2011.
Report on Financial Condition	§16-131-44, HAR	Yes	Provided on time in years 2009, 2010, late in 2011
Report on Construction Annually	§16-131-45, HAR	Yes	Provided on time in 2009-2011
Report on Complaints	§16-131-46, HAR	Yes	Provided on time in years 2009-2011
Report on Proof-of-performance testing	§16-131-47, HAR	Yes	Provided on time in years 2009-2011
Report on Production & Programming Activities	§16-131-48, HAR	Yes	Provided on time in years 2009-2011

Quarterly Progress Reports for Local Help Desk Support for Internet Access	8/11/00 Ltr Order	Yes	Provided on time in 2009. Requirement eliminated in 2010 and subsequently
Quarterly Reports-Sub act, revenues, personnel, service , etc.	§16-131-50, HAR	Yes	Provided on time 2009- 2011
Monthly Customer Service Performance Report (FOR ALL SYSTEMS)	8/11/00 Letter Order	Yes (late)	Regularly provided, but at times late.
Report on Construction Monthly	§16-131-45, HAR	Yes	Provided on time, or within a few days of on time in years 2009-2011
Report on Interruptions-Major System Faults	§16-131-49, HAR	Yes	Provided substantially on time in years 2009-2011
Provide 2 additional access channels (for total of 5)	D&O 241, 261	Yes	
Provide consistent PEG channel locations on all islands by 9/30/1999	D&O 241	Yes	
Implement revised Late Fee (Administrative Fee) procedure by 11/1/2000	8/11/00 Ltr Order	Yes	
Calculate franchise fee as % of subscriber monthly subscription, starting 1/1/2001	8/11/00 Ltr Order	Yes	
Do not pass on costs of 750 MHz upgrade to customers	8/11/00 Ltr Order	Yes	Was not included in subsequent rate requests
Connect 19 I-Net sites; also provide 10 additional I-Net sites Maui Co., 3 at Lahaina, at request of Director, at no charge; additional sites at cost of labor and materials.	8/11/00 Ltr Order, D&O 241, 245	Yes	
Maintain and repair I-Net connections at no cost to State, replace at company's cost of labor and materials	D&O 174, 241	Yes	No outstanding issues discovered
Continue to work with DCCA to expand I-net for benefit of State and TWE	8/11/00 Ltr Order, D&O 174, 241		

Provide reasonable discounts for bulk MDUs serving senior citizens (retirement homes, long-term care facilities, etc.), from 10/1/2000	8/11/00 Ltr Order	No	Discounts are not available from Oceanic for bulk customers serving senior citizens. This needs to be addressed by Oceanic.
Make refund to Maui County subscribers due to overcharge of \$120,078	D&O 329	Yes	
Pay HPBA 1% of gross revenues annually	D&O 174, 241,	Yes	Amounts verified in periodic franchise fee reviews by Merina & Company, LLP.
Connect with HITS system	D&O 174, 241	Yes	
Interconnect all schools and libraries to system, Provide cable drop and basic service, w/in 6 months of Director's request	HRS 440-G, sec. 8.2	Yes	Every facility is either connected, or has declined connection
Upgrade system to 750 MHz, by 12/31/2001	D&O 174, 245, 241	Yes	Use of microwave to Hana, Molokai and Lanai has caused less reliable service in those areas
Pay franchise fees on annual gross revenues	HRS 440G as amended	Yes	Verified by Merina & Company, LLP.
Provide emergency override system	D&O 241	Yes	System is in place, in accordance with EAS requirements, as verified by technical review in this Report
Maintain customer service office on Maui during normal business hours; on Molokai and Lanai 2 full days per week by Oct. 1, 1999.	D&O 241	Yes	
Maintain publicly listed local telephone number for customer service, with specified hours and functions	D&O 241	Yes	
Submit reports on adequacy of customer service telephone response, within 30 days of request by Director.	D&O 241	Yes	
Provide installation service at specified minimum hours	D&O 241	Yes	

Provide repair service at specified hours	D&O 241	Yes	
Meet FCC Customer Service Standards	D&O 241	Yes (with reservation)	Letters from residents, testimony at public forums, and results of customer survey indicate some long waits for telephone response, and concerns regarding repair service. Should be addressed by Oceanic. Possible need for further investigation.
Meet FCC system technical performance standards	FCC regs, Part 76, D&O sec. 11.5, HRS 440-G, sec. 8.1	Yes (with reservation)	Most recent proof of performance tests verified as meeting FCC standards. Tests performed for this report showed sub-standard signal at one test point, indicating need for local maintenance. (See Technical Review below, pp. 39 ff.) In addition, customer survey results and other written subscriber responses included in this Report indicate possible outage and picture quality problems. This issue should be addressed by Oceanic.
Meet FCC CLI (signal leakage) standards	FCC regs, Part 76, D&O sec. 11.5, HRS 440-G, sec. 8.1	Yes	Technical review included examination of October, 2010 CLI test results
Pay 1 % of Gross Revenues from standard service and below (.6% of gross Revenues) for DCCA Cable Division administrative costs	§16-132-2, HAR	Yes	Amounts verified in periodic franchise fee reviews by Merina & Company, LLP
Maintain insurance, bonds, other sureties as required		Yes	Compliance representation was made by Oceanic
Timely filing of rates and charges for service, other required tariff information	§16-131-27, HAR; HRS 440G-11	Yes	

FINANCIAL REVIEW

Background

Chapter 440G of the Hawaii Revised Statutes (HRS), which is known as the Hawaii Cable Communications Systems Law, sets out the factors and requirements for renewal of a cable franchise. Specifically, §440G-10 provides for the form of the application to be prescribed by the director of the Department of Commerce and Consumer Affairs (DCCA). This basic requirement is described in more detail in Hawaii Administrative Rules (HAR) Title 16, Chapter 133, Subchapter 3 *Special Procedure for Renewal Application*. HAR § 16-133-28(b) stipulates the facts required under HRS 440G-6, specifically, HRS § 440G-6(b) (2) which requires “The financial...qualifications of the applicant” be set forth to enable the director to make a decision on the cable franchise application. This section of our report responds to those requirements.

General Conclusion

Based on the information provided and the results of our analysis, we conclude that the financial status and performance of Oceanic Time Warner Cable (Maui and Lahaina) show a sound financial base and consistent profitable operating results. If history is an accurate roadmap to the future, Oceanic should be able to easily meet the requirements of the proposed franchise renewal.

It should be noted, however, that Oceanic is a division of a limited partnership known as Time Warner Entertainment Company, L.P. (TWE) which in turn is a subsidiary of Time Warner Cable, Inc. (TWC). In March 2009 TWC completed its spinoff from Time Warner, Inc. and became an independent, stand-alone company with no parent or controlling shareholder. Because of Oceanic’s status as a division of TWE, it has no separate legal status or existence. This corporate hierarchy gives rise to two significant issues affecting the island of Hawaii cable franchise:

- Oceanic’s resources are under the control of TWE’s management. Additionally, Oceanic’s assets are legally available for the satisfaction of debts of TWE and TWC.
- TWC incurred a significant amount of debt to accomplish the divestiture from Time Warner, Inc. This could impact the availability of free cash flow which could otherwise be used to expand and improve service offerings.
- In March 2012, Time Warner Entertainment Company, L.P.’s (“TWE”) informed the Department of Commerce and Consumer Affairs (“Department”) of its parent company’s intent to restructure the company, and asked the Department to consent to TWE’s request to assign/transfer its Hawaii cable franchises for the Island of Oahu, Island of Kauai, East Hawaii (Hilo), West Hawaii (Kona), County of Maui (excluding Lahaina), and Lahaina from TWE to Oceanic Time Warner Cable LLC (“OTWC”). After careful consideration, the Department granted TWE’s request. The applicable Decision & Order (No. 355) may be found on the Department’s CATV website".

There are other risks which are common to the cable industry. These include:

- Loss of advertising and subscriber revenues due to the prolonged economic downturn.
- Inability to acquire, adopt, or develop existing or new technologies.
- Increased competition from traditionally non-cable service providers such as telecoms and other utility pole owners.
- Increase pole attachment costs.

- Imposition of new or increased taxes and/or fees from state and local governments experiencing budget shortfalls.

SPECIFIC FINDINGS

Subscriber Information

Oceanic's Market Penetration			
	2011	2010	2009
Number of homes passed	81,996	81,695	75,942
Number of subscribers	53,014	53,519	54,441
Penetration	64.6%	65.5%	71.7%

Oceanic's market penetration is very healthy at around 65%. The significant penetration achieved by Oceanic is clearly the result of a lack of competition.

Oceanic's Average Monthly Basic Revenue per Subscriber			
	2011	2010	2009
Average total revenue per month	\$5,424,917	\$5,180,899	\$5,060,322
Number of subscribers	53,014	53,519	48,149
Average monthly subscriber revenue	\$102.33	\$96.80	\$105.10

Average revenue per month per subscriber is fairly consistent from year to year and also between the two franchise areas.

Time Warner Cable's Average Monthly Basic Revenue per Subscriber			
	2011	2010	2009
Average revenue per month (millions)	\$15,470,000	\$14,820,000	\$17,166,000
Number of subscribers (thousands)	12,061	12,422	12,859
Average monthly subscriber revenue	\$128.26	\$119.30	\$143.05

Oceanic's average monthly basic revenue per subscriber is about 10% less than the company as a whole on average over the last three years. Oceanic believes that in Hawai'i there are a large number of bulk accounts which, because they are discounted considerably, will impact the average monthly subscriber revenue when compared to company-wide averages. Approximately 17% of Oceanic's subscribers are bulk accounts.

Financial Information

We analyzed Oceanic's financial statements for the most recent three years to provide a gauge as to the company's financial position and the results of its operations. These statements had been subject to review by the auditor's of Time Warner Entertainment Company, LP. who issued their independent

accountant's review report on them. These amounts include the combined Oceanic Time Warner Cable (Maui) and Oceanic Time Warner Cable (Lahaina).

Balance Sheets	2011	2010	2009
Cash receivables and prepaid expenses	\$ 1,782,000	\$ 4,870,783	\$ 5,242,989
Property, plant, and equipment, net	35,676,000	36,244,985	36,560,523
Intangible assets, net	78,035,000	78,068,761	78,103,069
Total assets	\$ 115,493,000	\$ 119,184,529	\$ 119,906,601
Accounts payable	\$ 4,175,000	\$ 4,136,119	\$ 3,573,531
Deferred revenue	1,055,000	3,659,650	3,513,401
Long term liabilities	83,000	41,967	31,827
Total liabilities	5,313,000	7,837,736	7,117,759
Partners' Capital	110,180,000	111,346,796	112,788,842
Total liabilities and partners' capital	\$115,493,000	\$119,184,529	\$119,906,601

Income Statement and Change in Net Assets	2011	2010	2009
Revenues	\$ 65,099,000	\$ 62,170,793	\$ 60,723,865
Cost of revenues	20,994,000	20,781,028	22,012,626
Selling, general, and administrative	18,212,000	14,398,324	12,393,233
Depreciation and amortization	5,374,000	5,660,908	5,745,451
Operating income	20,609,000	21,330,533	20,572,555
Interest and taxes	7,445,000	8,105,234	5,951,755
Net income	13,164,000	13,225,299	7,897,478
Net assets, beginning of year	111,347,000	112,788,841	11,745,915
Payments to parent company	14,331,000	14,667,347	11,632,150
Net assets, end of year	\$110,180,000	\$111,346,793	\$112,788,842

This condensed financial information shows that Oceanic is and has been in a stable financial position with regard to maintaining its level of assets and not incurring any appreciable level of debt. Its operations reveal a steady level of modest growth in revenues. Operating income increased slightly in

2010 but has remained fairly consistent. **Free cash flow** is a significant measure of a company's ability to service debt, invest in capital improvements, and reward its owners. The data indicates that both Oceanic Maui & Lahaina franchises generate a steady stream of cash flow.

There are also a number of ratios available which can provide insight into financial condition and results of operations. While these are not a guarantee of future performance they do enable us to make conclusions about the management of the cable provider.

We will compare the applicants to their parent company and compare the parent company to its peer group.

Oceanic Time Warner	2011	2010	2009
Net profit margin	20.20%	21.32%	20.87%
Operating ratio	39.91%	43.46%	43.34%
Asset turnover	56.37%	52.16%	50.64%
Return on assets	11.38%	11.12%	10.57%
Current ratio	42.68%	62.48%	73.99%
Debt to equity	4.82%	7.04%	6.31%

Time Warner Cable, Inc.	2011	2010	2009
Net profit margin	8.46%	6.93%	5.99%
Operating ratio	36.26%	35.86%	35.22%
Asset turnover	40.76%	41.18%	40.89%
Return on assets	3.45%	2.85%	2.45%
Current ratio	119.14%	140.64%	71.06%
Debt to equity	540.52%	397.15%	402.87%

Peer Group	2011	2010	2009
Net profit margin	8.71%	9.10%	9.18%
Operating ratio	32.85%	38.39%	36.99%
Asset turnover	38.50%	35.83%	35.66%
Return on assets	3.35%	3.26%	3.27%
Current ratio	68.06%	105.36%	57.45%
Debt to equity	326.82%	267.65%	228.21%

Net profit margin is computed by dividing net income by total revenues. This provides a measure of the company's bottom line profit. Oceanic Maui and Lahaina have demonstrated a stable profit history. Oceanic's parent company, TWC has been steadily increasing since 2009. TWC's peer group also maintained stable net profit margins; TWC is in line with their peer group in 2011. The Hawaii franchises have experienced better than average net profit margins as compared to both TWC and TWC's peer group.

Operating ratio considers income before earnings, interest, taxes, and depreciation and amortization in relation to revenues. It is a more focused measure of a company's profitability from providing its products and services because it factors out items which downstream managers have no control over. Both Oceanic Maui and Lahaina franchises and TWC have shown very stable and sufficient operating profits. Oceanic Maui and Lahaina and TWC's peer group show a slight decrease in the operating ratio from 2010 to 2011.

Asset turnover is annual turnover ratio designed to reflect a company's efficiency in managing their assets. Simply put, the higher the yearly turnover rate, the better. Oceanic Maui and Oceanic Lahaina has performed significantly better in this area than both its parent and the peer group. This is most likely the result of the parent company, like the peer group, carry large amounts of acquisition related assets such as goodwill, etc. which do not directly contribute to revenue generation and which are not recognized on the local franchisee's books.

Return on assets illustrates how well management is employing the company's total assets to make a profit. The higher the return, which is calculated by multiplying asset turnover by the previously calculated net profit margin, the more efficient management is in utilizing its asset base. The ROA ratio is calculated by comparing net income to average total assets, and is expressed as a percentage. Oceanic Maui and Oceanic Lahaina has performed significantly better in this area than both its parent and the peer group. The parent company's and its peers low results are, again, a reflection of non-performing acquisition related assets.

Current ratios are a popular financial ratio used to test a company's liquidity (also referred to as its current or working capital position) by deriving the proportion of current assets available to cover current liabilities. The concept behind this ratio is to ascertain whether a company's short-term assets (cash, cash equivalents, marketable securities, receivables and inventory) are readily available to pay off its short-term liabilities (trade payables, accrued expenses, lines of credit, and the current portion of

term debt. In theory, the higher the current ratio, the better. In this case Oceanic Maui and Oceanic Lahaina have underperformed TWC. This is likely the result of Oceanic transferring as much of its free cash to its parent company. The subsidiary would be expected to maintain a minimum level of cash to meet ongoing operating expenses and other current requirements, which it has done.

Debt to equity is leverage ratio that compares a company's total liabilities to its total equity. This is a measurement of how much suppliers, lenders, creditors and obligors have committed to the company versus what the parent has committed. The results shown here reflect the fact most of the corporate debt is held at the parent company level and not at the individual subsidiaries level.

A Final Note

In the analysis we have provided above, Oceanic's financial position and results of operations amply demonstrate that the cable operator has been on a firm financial footing and has enjoyed excellent operating results. While this would seem to bode well for the future, various factors could adversely affect the operations and/or financial position of Oceanic. Some of these, as detailed in TWC's SEC 10K filing include:

- Increased competition from video, high-speed data, networking and voice providers, particularly direct broadcast satellite operators, incumbent local telephone companies, ILECs, CLECs, companies that deliver programming over broadband internet connections, and wireless broadband and phone providers.
- Economic deterioration.
- TWC's competitor's ability to acquire or develop and introduce new technologies, products and services more quickly than TWC.
- Programming and retransmission costs or the inability to obtain popular programming.
- Changes in the parent company's plans and strategies for achieving those plans.
- Changes in the regulatory environment.

Accordingly, it is vital that Oceanic's and TWC's performance and financial position be continuously monitored over the life of the franchise in order to insure subscribers continue to receive the number and quality of services mandated of the cable operator.

TECHNICAL REVIEW, MAUI SYSTEM

Project Background

To aid the state of Hawaii Department of Commerce and Consumer Affairs (DCCA) review the requested renewal of DCCA's Maui Franchise Agreements with Oceanic Time Warner, Merina & Company, LLP has conducted an engineering review of the system's design and performance. Much of the information gathered for the technical assessment was the result of information provided by Oceanic / Time Warner (the Company), interviews with Company staff, and a field inspection performed on May 14, 2012 through May 17, 2012. This report incorporates documentation provided by Oceanic / Time Warner (the Company), personnel interviews, and inspection of the system.

Because the cable television franchises are up for renewal, this study has been commissioned to provide officials with an independent assessment of the system's technical quality and the service the public has been, and may continue to receive from the Company. The Company provided a number of documents and other information to aid this effort, including the following:

- System technical overview and upgrade history
- Channel lineup
- FCC proof-of-performance test results
- FCC signal Leakage test results

For this review, the following Oceanic / Time Warner Cable personnel have been helpful in providing the technical information necessary and in providing escorted tours of the Company facilities:

Rick Colletto
General Manager

Matthew Kleinsasser
Technical Operations Manager

Inspection of the system took place between May 14, 2012 and May 17, 2012, with Matthew Kleinsasser, the Company's Technical Operations Manager, serving as the Company's technical representative. Quality of construction and maintenance of the system were observed, and system performance was verified with the help of Headend technicians Rodney Mayeaux and Vern Torino, and maintenance technicians BJ Haviar and Joey Nakagawa. Company personnel were very cooperative and helpful throughout this process.

System Profile/Overview

Prior to the Oceanic Time Warner acquisitions, Maui was served by two systems, Daniels in West Maui and TCI for the rest of the island. Shortly after Time Warner merged the systems in 2000, the Company began a system-wide upgrade to the current hybrid fiber coax platform. Internet service and digital programming began to be offered in 2000 and was fully rolled out in 2002. The majority of services are fed via inter-island fiber from Oahu. To support the digital services, the fiber provides two-way capabilities, supporting advanced services such as Video on Demand (VOD) and high-speed data. A satellite downlink antenna, located on Haleakala, provides a backup source for several programming sources.

The Company serves the island of Maui franchise areas from a primary Headend in Kihei and hubs located in Wailuku, Pukalani, and Lahaina. Microwave systems at Lahaina provide connections to the islands of Lanai and Molokai. Another microwave system provides a connection to the system in Hana.

Fiber nodes, on average, serve 300 active customers. Newly constructed nodes are designed to serve 125 homes or less. The number of homes per node indicates the number of users sharing data bandwidth, or video on demand capacity, so smaller numbers reflects improved service.

The system serves approximately 75,000 customers, including 300 in Hana, 1200 on Lanai, and 2200 on Molokai. Customers served by the cable system represent a larger than typical market penetration. The system serves 64% of the homes passed by the network and approximately half of the customers subscribe to digital services. This penetration rate is much higher than many markets on the mainland and reflects well on the value of services as compared to satellite based offerings.

The franchisee serves its subscribers with two tiers of analog cable service (Basic and Standard Service), and various digital television packages including High Definition channels, Premium channels, Pay Per View (PPV), and Video On Demand (VOD) services. The following table summarizes the channels offered in the system, as of the date of the assessment:

	Maui System Channel Capacity
Basic Analog Channels	18
Value Analog Service	66
Digital Basic Service	61
Digital Value Service	142
Digital Variety Pak	229

Not reflected in the quantities above are a number of digital premium, music and Pay-per-View channels. Detailed channel lineups are shown in **Appendix B** and **Appendix C**.

The current hybrid fiber optic coaxial plant was installed in the early 2000’s. It includes several backbone fiber routes. A redundant fiber ring serves all of the central valley. A lateral leg extends from the ring up to the microwave and satellite terminals on Haleakala. Another non-redundant lateral connects Lahaina to the ring. On Molokai, a fiber backbone connects the microwave terminal to Kalaupapa on the North side. A map of the microwave and fiber backbone is included in Appendix A.

The distribution plant has a total of 780 miles of aerial fiber and coax, and 320 miles underground. 58 miles of aerial (3 miles of underground) are on Molokai and 15 miles of aerial (1 mile of underground) on Lanai. The activated capacity of the Maui system is 750 MHz. Newer parts of the system have been constructed to 795 MHz.

There are a total of 250 fiber nodes in the system, including 5 in Hana, 8 on Lanai, and 16 on Molokai. Existing node areas were constructed to serve no more than 500



Figure 1: Headend Building in Kihei

homes. As advanced services have become more prevalent, more bandwidth has been allocated per customer. As a result, new construction is designed to serve approximately 125 homes per node. Plans are in place to subdivide existing nodes, splitting one node area into 2 or more. Based on current plans, 20 to 40 node-splits are planned for 2012 and for following years. A split node effectively operates like 2 or more independent nodes, just in the same device. This is an effective method for providing additional bandwidth for advanced services and to meet growing demand for data services.

Emergency Alert System

The emergency alert system (EAS) is based on a decoder system that can be triggered from Oahu, and has two off-air monitoring feeds: one from KLH – 92.5 FM, the second from KPOA – 93.5 FM. Authorities can access the system to record and trigger alerts. An appropriately targeted alert message triggers the EAS system to overlay the audio onto analog channels on the cable system. Test records were inspected, confirming the execution of recent required EAS tests.

Because of technical limitations of digital technology, the digital channels are handled differently. The EAS system also triggers a command to be sent to all digital set-top converters, to change channels to a local analog channel (called a “force-tune”). Once the box has tuned to the local analog channel, the analog message will be available to the viewer. This is a common method used throughout the cable industry in order to meet EAS requirements.

System Reliability

As with most cable systems, reliability is primarily a function of two factors: the availability of electric service to power the equipment and survivability of the cable plant. Aerial cable plant is especially susceptible to storm damage, which is an unavoidable reality in coastal areas (especially in the state of Hawaii). Since cable plant and the electric facilities generally follow the same routes and use the same utility poles, damage to the cable plant can present a double impact: not only can cable plant be damaged, disconnecting some area of the cable system from service, but a simultaneous power outage may have an even larger effect, disconnecting electric service from cable equipment that might have otherwise stayed in service.

System outages are inevitable from time to time. Therefore, to maintain minimal outage time, diagnosing and responding to outages should be a priority. The Franchisee uses a system to monitor the status of cable modems used by customers throughout the system. It is generally a sound approach to assume that if the cable system is experiencing an outage, the cable modems will also fail, providing an early warning to the cable operator. Using this method also allows technical personnel to analyze the location of failed cable modems, in order to diagnose the outage location. Although this is a relatively simple network monitoring scheme, it is used by many cable operators and it can be very effective.

The monitoring system is monitored 24 hours a day by the Company’s CTAC group on Oahu. The same group performs evaluation of customer outage calls in order to localize the damage or equipment failure and strategize the restoration effort.

Local staff indicated that the design standards from the corporate level have evolved in concert with the Company’s growth in providing critical data and voice services to customers. One area where this is having an impact on the Maui system is in the support systems and facilities, such as the Headend and Hub power systems. Also, air conditioning systems are important to ensure long term equipment reliability. The Kihei Headend has redundant HVAC systems, which provide more than twice the necessary capacity. The temperature is remotely monitored to ensure proper operation.

Backup Power Systems

Since electrical outages can have such a large impact, backup generators and battery backup systems can play an important role in maintaining reliable service. This can be especially important where the Franchisee is a provider of telephone service. In fact, the existing system does have significant backup power resources, helping to maintain service through power outages. The Kihei Headend and the critical hubs use backup generators with enough on-site fuel to withstand a typical power outage. The design standard for backup power at the Headend and hubs is for a minimum of 72 hours of operation. Since the node areas are relatively small, it is not very likely that a customer will still have power while the nearby node serving them is without power. However, it is important to realize that telephone services, offered through the cable system, may be essential precisely because of a power outage. Therefore, as the Company continues to provide telephone service, it is important that they place a priority on maintaining their backup power systems. The generators are tested monthly and are inspected and receive maintenance on a quarterly schedule.



Figure 2: Generator at the Kihei Headend

Channel Plan/Chart

The current channel offerings include 66 analog channels (including 4 Public Education & Government (PEG) channels) available in two tiers (Basic and Value), 229 digital channels, plus a large number of premium and special interest channels, such as music, sports, and movies. Among the digital offerings are 70 music channels, 59 high-definition (HD) channels, and a large number of premium channels in standard and high definition. Also, there are a number of on-demand and pay per view channels in both standard and high definition. A listing of channels provided in the analog lineup is provided in **Appendix B**. The digital lineup is shown in **Appendix C**. The lineup is typical of the cable industry in upgraded markets, where digital technology provides the capacity to carry a large number of channels for the viewer, including traditional programming, on demand, and pay per view.

Public, Education & Government Programming

Among the channels are the Public, Educational, and Government (PEG) channels. The public access and government channels are managed by the Akaku organization in Kahului. The education channel is managed by the University of Hawai'i. The following channels are currently in operation:

- Channel 52: Akaku Public Access
- Channel 53: Akaku Community Affairs
- Channel 54: Akaku Community Affairs
- Channel 55: University of Hawai'i, Maui College

Akaku's production facilities are equipped to provide training and to support production of public programming. Jay April, President & CEO provided a tour of the Kahului facility, where



the organization offers training to those members of the public who are interested in video production and editing. Programming is fed to the Headend over fiber, using a 4 channel fiber mux, manufactured by Radiant Systems. Akaku staff hopes to upgrade this hardware in order to improve programming quality.

Hospitality Services

The Company provides services to the hospitality industry throughout Maui. Five channel packages are maintained specifically for the Hospitality customers. Specialized services including pay per view and high speed data are also offered. Hotels are typically fed by dedicated fiber trunks from the hub. The Company maintains a team of four technicians who are assigned specifically to the hospitality business.

Two-Way / Data Services

The Company offers both Internet and telephone services over the cable system. Connectivity to the Internet is over dedicated fiber from each Headend or hub. The Company is in the process of upgrading the CMTS hardware in the Maui network. The existing Cisco UBR10000 platform is being replaced with the Arris C4 system, which provides greater capacity and scalability to meet growing data requirements.

Although voice service is not a growing market, residential telephone service has been offered since 2008 and is based on Voice over Internet Protocol (VoIP) technology, carried by the data network.

Switched Digital Services

In recent years, the industry has begun to address the demand for more channels of digital programming through the use of a switching technology which allows customers to receive a combination of Video on Demand (VOD) and other services. In order to offer larger channel plans, some lesser-viewed channels can be carried by switched digital services, very similar to VOD. This method uses portions of the network bandwidth to be shared by multiple channels on an as-needed basis. In this way, channels that are less popular, can be included in the channel plan and only uses bandwidth on the system while they are actually being watched by one or more customers. In addition to the switched channels in the channel lineup, the same technology simultaneously provides pay services like VOD.

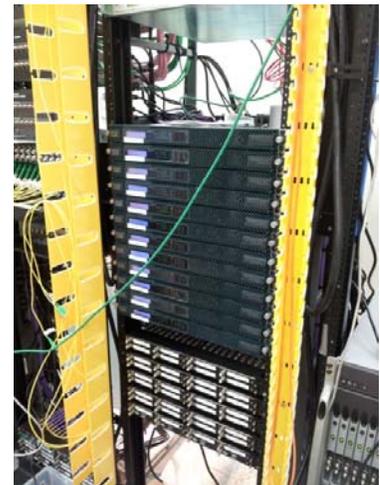


Figure 4: Switched Digital Gateway Hardware in Lahaina

Institutional Network (I-Net)

The Institutional Network (I-Net) connects data to the state Information and Communication Services Division (ICSD) to serve government and to the University of Hawaii (UH) to serve schools and public libraries. The I-Net uses dense wave division multiplexed (DWDM) gigabit Ethernet as well as the legacy synchronous optical network (SONET) equipment. The University of Hawai'i also serves video content to the Maui system via Maui College, who also inserts local educational programming as needed.

Leakage Tests

Leakage testing is required to prove that a cable system does not have the potential to interfere with aeronautical radio communications. This is an essential requirement to support the safety of the public. However, test results are also a good indicator of system condition and maintenance. The documentation provided by OTWC includes the Maui, Molokai, and Lanai flyover tests from October 2011 (see Figures 5, 6, and 7). The results of the leakage tests reflect a sound system, well within Federal Communications Commission (FCC) requirements.

Figure 5. Summary results of the latest FCC required fly-over test, Maui System

System	PDF CSV <input type="button" value="Close"/>
Time Warner, MAUI, HI	
Test Date	10/25/2011
Test Results	
Score	PASSED
Percentage of Points below 10 uV/m	99.64%
Frequency	109.125 MHz Ch. A-2
Receiver Adjustment for 10 uV/m Reading	0 db
Sample Points	3701 points
Points Above 10 uV/m	13 points
Maximum Leakage	11.23 uV/m
Minimum Leakage	0.11 uV/m
Average Leakage	0.75 uV/m
Enhanced Test Results	PDF-ENH
Score	PASSED
Percentage of Points below 10 uV/m	97.86%
Points Above 10 uV/m	79 points
Minimum Leakage	0.23 uV/m
Maximum Leakage	22.46 uV/m
Average Leakage	1.5 uV/m

Figure 6. results of the required fly-over Molokai System

System	PDF CSV <input type="button" value="Close"/>
Time Warner, MOLOKAI, HI	
Test Date	10/25/2011
Test Results	
Score	PASSED
Percentage of Points below 10 uV/m	100%
Frequency	109.125 MHz Ch. A-2
Receiver Adjustment for 10 uV/m Reading	0 db
Sample Points	1228 points
Points Above 10 uV/m	0 points
Maximum Leakage	7.22 uV/m
Minimum Leakage	0.46 uV/m
Average Leakage	0.59 uV/m
Enhanced Test Results	PDF-ENH
Score	PASSED
Percentage of Points below 10 uV/m	99.43%
Points Above 10 uV/m	7 points
Minimum Leakage	0.92 uV/m
Maximum Leakage	14.44 uV/m
Average Leakage	1.18 uV/m

Summary latest FCC test,

Figure 7. Summary results of the latest FCC required fly-over test, Lanai System

System		PDF	CSV	Close
Time Warner, LANAI, HI				
Test Date	10/25/2011			
Test Results				
Score	PASSED			
Percentage of Points below 10 uV/m	98.88%			
Frequency	109.125 MHz Ch. A-2			
Receiver Adjustment for 10 uV/m Reading	0 db			
Sample Points	90 points			
Points Above 10 uV/m	1 points			
Maximum Leakage	10.08 uV/m			
Minimum Leakage	0.23 uV/m			
Average Leakage	1.88 uV/m			
Enhanced Test Results				
PDF-ENH				
Score	PASSED			
Percentage of Points below 10 uV/m	90%			
Points Above 10 uV/m	9 points			
Minimum Leakage	0.46 uV/m			
Maximum Leakage	20.17 uV/m			
Average Leakage	3.75 uV/m			

FCC Proof-of-Performance

Cable systems serving more than 1,000 customers are required to conduct proof-of-performance testing at least two times per year and at intervals not to exceed 7 months. The results from the most recent test, from April of 2012, were inspected and found to largely be in compliance with current FCC performance requirements. During the field inspection, as a verification of system quality, in-service tests were witnessed at a number of test points.

Technical Observations

Signal testing was performed at five representative locations, each of which corresponds to an official FCC test point in the system. Testing was observed at the following FCC Proof of Performance test point locations:

- Node 5725
- Node 5707
- Node 1062, 278 Kahana Ridge
- Node 5505, 41 Kilihune Place
- Node 5503, 151 Maikailoa

Signal quality at each of these locations was found to typically fall well within FCC requirements and industry standards. Measurements on Node 1062 do show slightly



Figure 6: Test Point on Node 5725

reduced levels, which show a need for routine maintenance in that area. However, the vast majority of the measurements are representative of a well maintained system. A summary of the results of these tests is provided, for the designated test channels, in **Appendix D**.

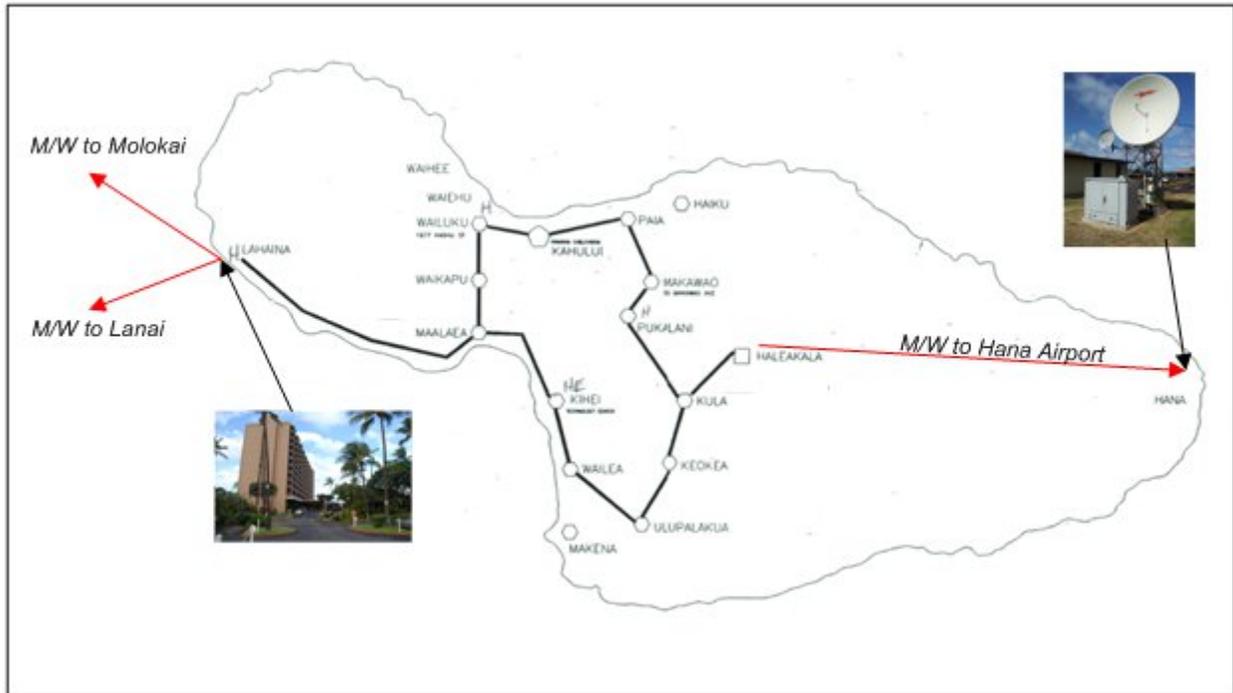
The Company has a staff of six maintenance technicians for hub and Headend maintenance and repairs. In addition, there are dedicated residential installation and service technicians. Also, the Company has one dedicated data networking technician, specifically for data communications installation, troubleshooting and repair. All these employees are stationed on the island, and so are available to respond quickly for troubleshooting and repair.

Conclusion

The Oceanic Time Warner Cable system on Maui has been found to be technically sound. System performance and quality levels are within FCC requirements. Operations, Maintenance, and repair activities are well organized and performed with attention to detail and long term reliability as a priority.

The Company appears to strive to be competitive by providing reliable and comprehensive services. The state of the industry is of continuous growth in demand for data services and digital programming. The Company has demonstrated a proactive approach to anticipating and upgrading systems to meet this demand. They are also showing continuing progress in upgrading support systems, such as backup power, battery backup, and HVAC systems, all of which will improve reliability over time. These efforts are impressive and should allow the Company to continue to provide services that are valued by the public.

Appendix A, Fiber & Microwave Backbone Map



Microwave paths from Lahaina to Lanai and Molokai

Appendix B, Analog Channel Lineup

Analog Channel Lineup	
2	KHON-2 (FOX) •
3	KWHM • (Kahului Only)
4	KITV-4 (ABC) •
5	KFVE-5 (myNetwork TV) •
6	QVC ■
7	The Visitor's Channel •
8	KHNL-13 (NBC) •
9	KGMB-9 (CBS) •
10	KIKU-21 •
11	KHET-11 (PBS) •
12	OCSports •
13	Headline News ■
14	CNN ■
15	Fox News Channel ■
16	OC15 ■
17	MTV ■
18	VH1 ■
19	NBC Sports Network ■
20	Fox Sports West ■
21	ESPN2 ■
22	ESPN ■
23	ESPNNews ■
24	Program Guide Channel •
26	KAHH-26 (TBN) • (Kahului Only)
28	TBS •
29	USA Network ■
30	The Golf Channel ■
31	Prime Ticket ■
32	Nickelodeon ■
33	Disney Channel ■
34	ABC Family ■
35	Cartoon Network ■
36	TV Land ■
37	Syfy ■
38	MSNBC ■
39	CNBC ■
40	Bravo ■
41	FX ■
42	American Movie Classics ■
43	TNT ■
44	Turner Classic Movies ■
52	Akaku: Access •
53	Akaku: Community/Civic Affairs •
54	Akaku: Experimental/Civic Affairs •
55	UH Maui College •
56	CSPAN •
57	Home Shopping Network ■
58	Travel Channel ■
59	Home & Garden TV ■
60	Food Network ■
61	E! Entertainment ■
62	Oxygen ■
63	Hallmark Channel ■
64	LMN ■
65	Discovery Fit & Health ■
66	WE: Women's Entertainment ■
67	Oprah Winfrey Network ■
68	Lifetime ■
69	Discovery Channel ■
70	Animal Planet ■
71	The Learning Channel ■
72	The History Channel ■
73	National Geographic Channel ■
74	A&E ■
75	Comedy Central ■
76	Spike TV ■

Appendix C, Digital Channel Lineup

Oceanic Interactive Digital Channel Lineup - Maui			
Standard TV Service		Standard TV Service (continued)	
1	Customer Bulletin Board	327	The History Channel ■
2	KHON-2 (FOX) •	329	Animal Planet ■
3	KWHM • (Kahului Only)	331	The Learning Channel ■
4	KITV-4 (ABC) •	332	The Green Channel
5	KFVE-5 (myNetworkTV) •	333	Discovery Channel ■
7	The Visitor's Channel •	343	Oprah Winfrey Network ■
8	KHNL-13 (NBC) •	347	National Geographic Channel ■
9	KGMB-9 (CBS) •	356	TEACH/DOE •
10	KIKU-20 •	408	EWTN •
11	KHET-11 (PBS) •	409	BYU TV •
12	OCSports •	410	Inspiration Network •
13	OCSports Enhanced Interactive	411	Digital Help
16	OC16 ■	433	TAG Games
24	ShopNBC ■	440	Cartoon Network ■
26	KAUH-26 (TBN) • (Kahului Only)	441	TV Land ■
28	Daystar •	442	ABC Family Channel ■
46	CSPAN3 •	443	PBS Kids Hawaii •
47	CSPAN2 •	444	Disney Channel ■
52	Akaku Access •	446	Nickelodeon ■
53	Akaku Community •	448	Lifetime ■
54	Akaku Experimental •	449	LMN ■
55	UH Maui College •	451	WE Women's Entertainment ■
56	CSPAN •	452	Hallmark Channel ■
57	Home Shopping Network ■	544	KGMB2 (This TV) •
58	Jewelry TV •	545	Comedy Central ■
80	KBS America •	546	Reelz Channel •
82	Digital KBFD •	547	A&E ■
83	Digital KHON •	549	EI Entertainment TV ■
85	Digital KFVE •	551	TBS •
86	Digital KITV •	552	TAG Games
87	Digital KGMB •	553	TNT ■
88	Digital KHNL •	554	FX ■
89	Digital KIKU •	555	USA Network ■
90	Digital KHET •	557	Syfy ■
93	The CW •	558	Oxygen ■
96	OC16 Interactive	559	Spike TV ■
99	Blue Ocean Network •	560	Bravo ■
100	eBILL	591	VHI ■
107	MSNBC ■	593	MTV ■
109	Fox News Channel ■	600	American Movie Classics ■
111	Headline News	602	Turner Classic Movies ■
113	CNN ■	609	Interactive HBO
116	CNBC ■	631	Interactive Showtime
119	truTV ■	698	New Tang Dynasty •
120	Pentagon Channel •	700	PPV Highlights
126	Me TV •	715	Playboy TV Interactive
132	Jewelry TV •	777	Las Vegas Channel
150	ShopNBC ■	912	Jobs On Demand
152	Home Shopping Network ■	919	PETS
153	QVC •	955	Find It On Demand
154	HSN Interactive ■	963	TWCable How To On Demand
155	Cornerstore TV •	975	Primetime On Demand
156	Liquidation Channel •	998	Pizza Hut Interactive
157	Revenue Frontier •	1003	KHON HD •
158	Gem Shopping Network •	1005	KFVE HD •
159	America's Auction Network •	1006	KITV HD •
160	Wize Buys •	1007	KGMB HD •
162	Shop Zeal 2 •	1008	KHNL HD •
210	NBC Sports Network ■	1010	KHET HD •
214	Speed Channel ■	1012	OCSports HD •
216	The Golf Channel ■	1013	OCSports Enhanced Interactive
222	ESPN ■	1014	Primetime On Demand
224	ESPN2 ■	1107	MSNBC HD ■
225	ESPNNews ■	1109	Fox News Channel HD ■
226	Fox Sports West ■	1153	QVC HD ■
228	Prime Ticket ■	1201	3D TV Event 1 ■
250	The Surf Channel •	1202	3D TV Event 2 ■
251	USJRF	1214	Speed Channel HD ■
311	TWCable How To On Demand	1222	ESPN HD ■
319	Discovery Fit & Health •	1224	ESPN2 HD ■
321	Food Network ■	1225	ESPNNews HD ■
323	Home & Garden TV ■	1226	Fox Sports West HD ■
325	Travel Channel ■	1228	Prime Ticket HD ■
		1250	The Surf Channel HD •
		1321	Food Network HD ■
1323	Home & Garden TV HD ■	1448	Lifetime HD ■
1325	Travel Channel HD ■		
1327	History Channel HD ■		
1329	Animal Planet HD ■		
1331	The Learning Channel HD ■		
1333	Discovery Channel HD ■		
1347	National Geographic HD ■		
1442	ABC Family Channel HD ■		
1444	Disney Channel HD ■		
1448	Lifetime HD ■		
1449	LMN HD ■		
1451	WE Women's Entertainment HD ■		
1545	Comedy Central HD ■		
1547	A&E HD ■		
1549	EI Entertainment HD ■		
1554	FX Channel HD ■		
1559	Spike TV HD ■		
1975	Primetime On Demand HD		
Digital Variety Pak			
15	OC16 On Demand	585	Great American Country
18	Around Hawaii Interactive	587	Country Music TV
108	Fox Business Network	589	VHI Classic
112	NewsChoice	592	MTV Hits
117	CNBC World	595	MTV2
118	Bloomberg TV	596	Music On Demand
121	The Weather Channel	597	Centric
134	Mnet	598	BET
200	SportsChoice	599	Fuse
208	MLB Network	604	youtoo
212	The Outdoor Channel	608	Ovation
219	ESPNU	646	Sundance Channel
230	Fox Soccer Channel	674	Flix
242	NBA TV	675	Independent Film Channel
320	Share Your Table	682	NHK World
322	Cooking Channel	900	Current TV
324	Do It Yourself Network	914	Driver TV On Demand
326	Ovi	941	MTV On Demand
328	H2	943	Music Choice On Demand
330	Free On Demand	951	OC16 On Demand
335	Hub	953	News On Demand
337	Science Channel	957	Sports & Fitness On Demand
341	BBC America	965	Knowledge On Demand
345	The Military Channel	967	Kids On Demand
346	Military History	969	Lifestyles On Demand
429	Disney Jr.	973	Entertainment On Demand
432	Kidz Mosaic	978	Movie Trailers On Demand
434	Nicktoons	1108	Fox Business Network HD
435	GSN	1121	The Weather Channel HD
436	Teen Nick	1208	MLB Network HD
437	G4	1219	ESPNU HD
439	Boomerang	1328	H2 HD
445	Disney XD	1332	Velocity HD
447	Nick Jr.	1337	Science Channel HD
450	Lifetime Real Women	1341	BBC America HD
453	Hallmark Movie Channel	1437	G4 HD
540	TV Guide Network	1445	Disney XD HD
542	Logo	1453	Hallmark Movie Channel HD
543	SoapNet	1548	The Biography Channel HD
548	The Biography Channel	1550	Style HD
550	Style	1562	Entertainment On Demand
556	cloo	1593	Palladia HD
561	Nat Geo Wild	1675	Independent Film Channel HD
563	Chiller		
Premium Services			
430	Disney Channel On Demand	717	Playboy TV
431	Disney Family Movies On Demand	718	Playboy TV On Demand
677	NGN	720	Penthouse TV
678	NGN2 (TV Japan)	721	Penthouse TV On Demand
679	NGN3	722	The Erotic Network
682	NGN4 (NHK World)	723	TEN On Demand
686	GMA Life TV	724	REAL
687	GMA Pinoy TV	725	REAL On Demand
688	The Filipino Channel	726	Hustler TV
699	The Chinese Channel	727	Hustler TV On Demand
710	Here TV On Demand	731	Manhandle
712	Howard Stern On Demand	732	Manhandle On Demand
716	Playboy en Español	1682	NHK World HD

• Basic Service ■ Value Service

Appendix D, Field Test Results*Summary of test requirements:**Video: Greater than 0 dBmV**Audio: Delta to Video must be between -10 and -17 dBc**C/N: Must be greater than 43 dB**Hum: Must be less than 3%***Observed Field Test Results:****Test Point: Node 5725****Test Equipment: Acterna SDA-5000**

Channel	Video, dBmV	Audio, dBmV	Delta, dBc	C/N, dB	Hum, %
2	20.6	5.3	15.3	47.6	0.5
17	16.7	2.2	14.5	46.6	
22	16.7	1.9	14.8	46.1	
32	17.1	1.8	15.3	46.2	
42	16.8	2.2	14.6	45.6	
58	16.1	1.9	14.2	46.5	
66	16.8	3.6	13.2	47.2	

Test Point: Node 5707**Test Equipment: Acterna SDA-5000**

Channel	Video, dBmV	Audio, dBmV	Delta, dBc	C/N, dB	Hum, %
2	22.5	8.8	13.7	48.2	0.6
17	23.2	9.1	14.1	49.3	
22	25.0	11.3	13.7	47.7	
32	25.4	9.7	15.7	48.3	
42	24.9	10.1	14.8	48.3	
58	25.5	11.0	14.5	49.7	
66	25.0	11.2	13.8	49.6	

Test Point: Node 1062

Test Equipment: Acterna SDA-5000

Channel	Video, dBmV	Audio, dBmV	Delta, dBc	C/N, dB	Hum, %
2	11.2	-3.6	14.8	NA	0.9
16	9.7	-4.0	13.7	41.6*	
22	11.9	-1.6	13.5	43.9	
32	13.8	-1.7	15.5	43.9	
42	12.7	-1.6	14.3	42.6*	
58	14.2	-0.6	14.8	43.8	
68	14.9	2.2	12.7	43.8	
76	15.5	2.2	13.3	44.3	

Test Point: Node 5505

Test Equipment: Acterna SDA-5000

Channel	Video, dBmV	Audio, dBmV	Delta, dBc	C/N, dB	Hum, %
2	24.4	8.9	15.5	44.6	0.7
16	21.7	7.9	13.8	43.1	
22	22.5	8.5	14.0	43.7	
32	21.0	5.6	15.4	43.2	
42	19.2	4.4	14.8	42.5	
58	20.3	6.3	14.0	42.5	
68	20.1	7.3	12.8	43.0	
76	201.	6.3	13.8	43.0	

Test Point: Node 5503

Test Equipment: Acterna SDA-5000

Channel	Video, dBmV	Audio, dBmV	Delta, dBc	C/N, dB	Hum, %
2	21.3	7.4	13.9	46.4	0.6
16	21.2	7.7	13.5	47.3	
22	23.1	8.5	14.6	47.5	
32	23.5	8.5	15.0	48.2	
42	23.5	8.5	15.0	47.5	
58	23.7	10.9	13.5	48.6	
68	23.3	10.9	12.4	48.2	
76	22.4	8.6	13.8	47.2	

EXHIBITS

EXHIBIT A. SAMPLE LETTERS

- State Legislators
- PEG Executive Directors
- Maui County Council
- Maui Organizations
- Maui College
- Maui Residents
- Molokai Residents
- Lanai Residents

EXHIBIT B. SUMMARY OF ALL LETTERS

- State Legislators
- PEG Executive Directors
- Maui County Council
- Maui College
- Maui Residents
- Molokai Residents
- Lanai Residents

Exhibit A

Sample Letters to DCCA

- **State Legislators**
- **PEG Executive Directors**
- **Maui County Council**
- **Maui Organizations**
- **Maui College**
- **Maui Residents**
- **Molokai Residents**
- **Lanai Residents**



CABLE DIVISION
OF COMMERCE AND
CONSUMER AFFAIRS

The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

2012 SEP 17 P 2:14

_____S_____

FILE_____

August 7, 2012

Mr. Donn Yabusaki, Administrator
Cable Televisions Division
Department of Commerce and Consumer Affairs
State of Hawaii
335 Merchant Street
Honolulu, Hawaii 96813

Re: Renewal of Oceanic Time Warner Cable's Maui County and Lahaina/West Maui Cable Television Franchise

Dear Administrator Yabusaki:

I am writing to express my support for the franchise renewal request of Oceanic Time Warner with conditions. These comments are intended to augment my oral comments at the West Maui community meeting held in Lahaina on August 28, 2012. I support the vision articulated by Akaku: Maui Community Television so that this renewal will ensure a robust, sustainable future for state of the art cable TV service, provide a public benefit for community media and provide access to fast, affordable internet/broadband services for all in Maui County. I also support their comments on operational concerns such as channel latency, inability to record PEG channel content, closed captioning, channel slamming that may affect the PEG channels carried by Akaku just to name a few. The contract should specifically prohibit any conduct or process that makes accessing PEG channels more difficult. There must be accountability measures and performance standards built in to the renewal contract that take into account the evolving nature of the technology in this digital age.

Overriding Principles

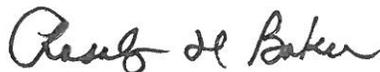
Services to communities during the term of the franchise renewal must be enhanced, not diminished. The Akaku PEG access channels must be carried in the same format and with the same signal quality as all local "must carry" commercial channels, including guaranteed channel placement on all service tiers without diminishing the dedicated public electronic spectrum unless consent of Akaku and DCCA are given. The contract should establish a minimum percentage of electronic spectrum dedicated to public use by anchor institutions in the community i.e., PEG access organizations, institutions of lower and higher education, government, healthcare providers and hospitals, libraries, community centers and public parks.

Oceanic Time Warner (OTW) must not be allowed to constrain Akaku's use of franchise fees to provide content on cable TV, internet, digital devices or other media platforms currently in use or yet to be invented. Oceanic Time Warner must provide PEG services and community benefits that are equal or better than what OTW provides in other jurisdictions. Therefore, I am requesting DCCA to conduct a due diligence survey of OTW contracts in other jurisdictions to improve our negotiating posture and to ensure that our residents are not being short-changed. As such I support inclusion of a "most favored nation" clause in the franchise renewal contract.

The franchise renewal contract must provide adequate funding for a sustainable future during the life of the contract. It is important that both operating and capital improvements be considered and an annual increase be written into the contract renewal. This contract must take into account the desire of the state to make available more broadband access with faster up- and down-load capabilities to enhance personal and commercial business development. As such the contract needs to be forward looking in the event that state or federal laws supersede this contract so that a funding stream for PEG access survives. I'm concerned that a digital divide is not inadvertently fostered in this franchise renewal contract. With so many services now being offered via cable and internet, it is important that residents in Maui County have the best possible access to these services at an affordable price. These services are important to economic development on all three populated islands of Maui County as well as being important to the delivery of public, government and education services throughout the county. To the extent that OTW provides public WIFI services in other jurisdictions, they must provide similar services to Maui County. OTW must be required to light all the dark fiber on the existing INET so that it can be utilized and provide additional upstream drops within Maui County. This is an important public benefit for the County of Maui and her residents.

The services provided by Akaku complement those provided by our cable provider Oceanic Time Warner and are relied upon by our residents. As you know Maui County is comprised of 4 islands separated by water and has many rural and underserved areas. It is my hope that this franchise agreement will enhance the services provided by Akaku for our residents, will provide increased benefits to the community and ensure a sustainable community media future here. Mahalo for your favorable consideration of these comments for inclusion in the franchise renewal contract.

Sincerely,



Rosalyn H. Baker
SENATOR
District 5 – South and West Maui



Representative George Fontaine

State Representative

House District #11 – Kihei, Wailea, Makena

State Capitol

415 S Beretania St #311 Honolulu, HI 96813

P: (808) 586-8525 F: (808) 586-8529

www.repfontaine.ning.com

Email: repfontaine@capitol.hawaii.gov

August 30, 2012

Keali'i S. Lopez
Director, Department of Commerce and Consumer Affairs
335 Merchant Street
Honolulu, HI 96813
(808) 586-2850

Dear Director Lopez:

RE: Support for the renewal of Oceanic Time Warner Cable's Maui County franchise agreement

I am writing in support of the renewal of Oceanic Time Warner Cable's Maui County franchise agreement.

As a state representative, I have been elected to be the voice of the people residing within my district. Establishing and maintaining an open line of communication with these constituents is one of the most critical aspects of my job. The services currently being provided by Akaku: Maui Community Television performs a vital role in keeping these lines open.

Each month, an informational broadcast known as the *Fontaine Factor* is pre-recorded using public access facilities and equipment. Later, at pre-determined times my constituents in House District 11 serving Kihei, Wailea, and Makena, have the opportunity to view these *Factors* at their convenience because of the service Akaku provides.

I am aware of some of the challenges Oceanic Time Warner has been facing regarding service to parts of Maui, Moloka'i, and Lana'i. I have been told the company is working diligently to alleviate these challenges.

I have also read recently (The Molokai Dispatch, Sunday, August 12, 2012) that some of the current programming being provided through Akaku Maui Community Television may be in jeopardy; mainly a possible reduction in the number of channels available for public access or possibly switching channels from their current analog channel to a digital channel such as the switching of Channel 56 to 356.



Representative George Fontaine

State Representative

House District #11 – Kihei, Wailea, Makena

State Capitol

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Page Two
August 30, 2012

Please realize the importance that public television access plays to all legislators in our state. Understand that the public already has very limited access to information from their elected officials and that Maui Community Television is a key link for all the residents in Maui County.

Also, please consider what Akaku President Jay April said in the article noting that many viewers do not have the necessary cable equipment necessary to view programming on digital channels.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Fontaine".

George Fontaine
State Representative

**WRITTEN COMMENTS OF MAUI COUNTY COMMUNITY TELEVISION, INC. dba
AKAKU: MAUI COMMUNITY TELEVISION
BEFORE THE STATE OF HAWAII DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS
CABLE TELEVISION ADMINISTRATION
RE: OCEANIC TIME WARNER CABLE TELEVISION FRANCHISE RENEWAL
FOR KAHULUI AND LAHAINA FRANCHISES**

RESPECTFULLY SUBMITTED BY:

**Jay April
President and CEO**

SEPTEMBER 12, 2012

Maui County is singularly unique. It is the only county in the United States separated by water. Made up of four islands, Maui County has a significant concentration of Native Hawaiian population and some of the most rural and underserved areas in the nation when it comes to access to broadband and television media. Akaku is Maui County's only electronic public media resource that regularly serves hundreds of Maui non-profits, businesses, schools, government agencies, institutions and individuals with a high level of innovation, civic engagement and professionalism. Maui is not Oahu and these important characteristics position Maui County as deserving of a comprehensive cable franchise agreement that fits its needs and guarantees a sustainable community media future for all its residents.

We also know that the cable television industry is rapidly evolving from a traditional CATV system that delivers mostly broadcast and entertainment services to a hybrid wireline or system that now brings voice, broadband internet and a host of services to people's homes via internet protocol. Although this transition challenges current regulatory paradigms, it is important that DCCA contractually protect, preserve and continue to require Oceanic Time Warner to fully fund and support the community "electronic commons" concept for the duration of the next franchise term regardless of the technology.

We would also like to respectfully remind the Department that it has considerable regulatory discretion particularly during this period of franchise renewal and it is our sincere hope that DCCA negotiate a robust agreement on behalf of Maui County along the lines of those recently negotiated with Time Warner in the Borough of Manhattan and with Comcast in the City of Portland. In both of those franchise agreements, the LFA obtained a minimum of 3% of gross revenue to fund PEG access *in addition* to the 5% franchise fee. These agreements resulted in substantial capital contributions and other public interest benefits as well.

At minimum there are four basic principles that should govern the DCCA process of franchise renewal:

1. EQUAL RIGHTS FOR COMMUNITY MEDIA

Akaku's PEG channels must be carried in the same format and with the same signal quality as all local "must carry" commercial channels. This will require guaranteed channel placement on all service tiers with no diminishment of dedicated public electronic spectrum without the consent

of Akaku and the DCCA. There should be no cable company restraints on Akaku's use of cable fees to provide content on cable TV, internet, digital devices or any other media platform currently in use or yet to be invented. Oceanic Time Warner must provide PEG services to Akaku and Maui County that are the same or better than the PEG services it provides to any other jurisdiction for the duration of the franchise.

2. SUSTAINABLE FUNDING FOR THE FUTURE

Akaku will require adequate funding of not less than 5% of franchise fees from cable gross revenue and a reasonable capital contribution from the cable company, with annual increases for the duration of the franchise term. Funding should be contractual for the term of the franchise notwithstanding changes in state or federal legislation.

3. NO DIGITAL DIVIDE - BROADBAND AND INTERNET SERVICE FOR ALL

Oceanic Time Warner must provide fast, affordable, ubiquitous and accessible broadband which will achieve speeds of 1 gigabit symmetrical service by 2018 for all Maui County subscribers. Oceanic must also provide free WiFi in all county parks and recreation areas. To support economic development and education, Oceanic Time Warner must provide live upstream transmission capability and high speed broadband service to designated Community Anchor Institutions, public and private schools, government buildings, hospitals, libraries, community centers, community media centers, non-profit agencies, Akaku and public parks.

4. SINCE MAUI COUNTY IS UNABLE TO NEGOTIATE DIRECTLY WITH THE APPLICANT, DCCA MUST SERIOUSLY INVEST IN THE FUTURE OF COMMUNITY MEDIA, PUBLIC SPECTRUM USE AND BROADBAND INTERNET ON BEHALF OF MAUI COUNTY FOR THE DURATION OF THE FRANCHISE RENEWAL TERM

According to state law, Oceanic Time Warner Cable is required to provide facilities, equipment, channels and financial support for Public, Educational and Government (PEG) access programming. Akaku recommends that, at minimum, the following public media provisions be provided as a condition of franchise renewal, *as rent for the use of Maui County's public rights of way*.

1. PEG channels must be carried in the same format and with the same signal quality as local "must carry" commercial channels. Language about technical feasibility must not be used to diminish public access programming by providing services of less than commercial quality.
2. A minimum of 10% of all electromagnetic spectrum should be set aside for public interest use and use by community anchor institutions, including PEG access organizations, public and private schools, government, hospitals, libraries, community media centers, community centers and public parks. Applications for public and community use include: public safety, telemedicine, telework, telepresence, emergency alerts, electric grid management, energy management, wireless communication and other applications in the public interest.
3. No diminishment of existing analog spectrum available to Akaku in the migration from analog to digital. The PEG access transition from analog to digital should not result in reduced bandwidth, reduced accessibility, reduced quality or reduced features during or after transition,

relative to any other previously broadcast analog cable and/or IPTV channels.

4. Akaku must remain on the most accessible tiers available to all subscribers. PEG channels must be duplicated on additional tiers in the manner of local "must carry" channels and must not be involuntarily moved from easy access (analog "basic" tier) to "digital" tiers requiring special equipment or fees. PEG channels must not reach fewer viewers or be difficult to find, load or view. PEG channels must also be available on HD and enhanced TV.
5. Oceanic Time Warner must provide 25 hours per month of video on demand capability to Akaku for the duration of the franchise with increased capacity to be negotiated during the franchise term.
6. Oceanic Time Warner must provide 100 promotional spot inventory per month in run of schedule to be programmed by Akaku.
7. If the franchise agreement with the DCCA is superseded or replaced with federal and/or state broadband regulation and/or state video programming/broadband franchises, equivalent fees or revenue from taxes on broadband revenue will be used to fund local access and programming (formerly PEG access channels), which will be program sources connected to the internet.
8. Prevent any reduction in fees due to a change in franchise fee definition or evaluation by Oceanic Time Warner. Raise franchise fees to 5% or any higher amount allowed by law.
9. Capital contributions to PEG entities which have not increased in a number of years must be increased from the current rate of \$3.00 per subscriber and should include annual negotiated step up contributions of at least 4% per year for each year of the franchise term.
10. The transition to digital may result in increased expenses for Akaku, including internet connection and equipment costs, upgrades for high definition and enhanced services, and additional studio, staff and operating costs. The franchise agreement must include the ability to assess additional funds for these purposes.
11. Oceanic Time Warner must bear cost of PEG conversion of NTSC signal to digital and the cost of connecting Akaku to other carriers as a condition of franchise.
12. Free internet connections and service for designated public facilities should be mandated. Akaku must have access to minimum specified symmetrical upload and download speeds. INET and public fiber should be installed alongside commercial fiber.
13. Oceanic Time Warner must provide a minimum of 15 megabit symmetrical broadband service to Maui County subscribers by June 2014, increasing to 50 megabit symmetrical broadband in 2016 and a minimum of 1 gigabit symmetrical broadband service by 2018.
14. Free WiFi must be offered in all county parks and recreational facilities.
15. PEG channel numbers, location and placement should be stipulated in the franchise document, not require special equipment to view and permission to migrate or re-assign must be obtained from DCCA and Akaku.

16. No PEG "channel slamming" or the arbitrary relocation of PEG channels or aggregating PEG channels under a single channel (i.e. 99). No separate application requiring additional clicks to get to PEG content or making PEG inaccessible to channel surfing.
17. PEG channels on digital tiers must have closed captioning capability.
18. PEG channels must remain in main traffic pattern of remote control and not banished to "cable Siberia" where viewers have difficulty locating them.
19. Terms like "efficiency" and "video on demand" methodologies should not be unilaterally used by Oceanic Time Warner to diminish delivery of programming. The definition and implementation of those terms and methods of delivery should be at the discretion, direction and under independent control of Akaku.
20. PEG channels must not be subject to channel latency. In some markets, it can take nearly two minutes for PEG content to appear once the correct channel has been selected.
21. PEG channels must be recordable and able to work with DVR recording devices.
22. Oceanic Time Warner must not infringe upon Akaku's ability to develop and deliver local and hyper-local content and/or programming by any media necessary, including cable TV, internet, community broadband, mobile devices, digital devices or any media platform yet to be invented and must support delivery of fully local PEG access services of interest to diverse communities and groups.
23. Since PEG access channels and services are "electronic public commons" with narrowcast and non-market based characteristics, ratings and viewership metrics must have lowest priority on evaluating community communications needs in order to establish channel expansion and/or increased public bandwidth requirements.
24. Net neutrality principles and bandwidth symmetry characteristics must be guaranteed for the duration of the franchise.
25. As reported by the Community Ascertainment Study conducted in Oahu by Merina & Company in 2009, a "most favored nation" clause should be included in the franchise agreement, which would require Oceanic Time Warner to provide any public benefit service provided by Time Warner Cable in any of its markets, at the request of Akaku, the Cable Advisory Committee or the DCCA
26. Support for PEG access services must be increased, and under no circumstances may PEG access technology, support and funding be reduced from levels currently provided in the existing franchise agreement.
27. Oceanic Time Warner's franchise should be revocable for cause after notice and due process for failure to perform.

ADDITIONAL CONSIDERATIONS

It is evident that the cable TV business is evolving away from just a video delivery business into a broadband business and will continue to do so for the contemplated term of the franchise.

In evaluating Oceanic Time Warner's franchise renewal application, DCCA will need to determine Oceanic Time Warner's position on issues like net metering, deep packet inspection, filtering of content, bandwidth and data speed, network symmetry and net neutrality. It is likely that in the next decade we will see ubiquitous broadband networks as the norm. Cable systems will morph into all purpose IP networks with no traditional cable service or channels; the primary product will be transmission of voice and high speed data; and program distribution will adopt an internet model with sources of video programming located anywhere and accessible everywhere.

If DCCA is to do its job and help ensure a future for public communication and electronic democracy as it is required to do, Oceanic Time Warner's franchise renewal application must be looked at in the context of a rapidly evolving video market so that the PEG access paradigm can continue to flourish with adequate technical support and funding, in exchange for use of public rights of way regardless of the technology.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
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CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS
RECEIVED
2012 SEP 12 A 10:33
2012 SEP -7 A 8:28
DIRECTOR'S OFFICE
COMMERCE AND
CONSUMER AFFAIRS
FILE

September 6, 2012

Keali'i Lopez, Director
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809

Dear Director Lopez:

**SUBJECT: COMMENTS REGARDING OCEANIC TIME WARNER
CABLE'S MAUI COUNTY AND LAHAINA/WEST MAUI
CABLE TELEVISION FRANCHISE RENEWAL**

I am writing to express my strong support for Akaku: Maui Community Television and their recommended conditions of franchise renewal. As Maui County's only Public, Education, and Government Access (PEG) provider, Akaku is the most qualified entity to understand what resources are required to meet Maui County's public media needs. As our tenants, Oceanic Time Warner Cable seeks to obtain what would essentially be a new lease agreement for the use of our public rights of way. We, the landlords of our public rights of way, require sufficient rent from our tenants to ensure our public media needs will be met for the next twenty years. Sufficient rent would be briefly summarized by the following stipulations:

- EQUAL RIGHTS FOR COMMUNITY MEDIA
- SUSTAINABLE FUNDING FOR THE FUTURE
- NO DIGITAL DIVIDE – BROADBAND AND INTERNET SERVICE FOR ALL

Maui County is one of kind. We are the only county in the United States made up of four islands. Maui County is home to some of the most rural and underserved areas in the nation, many with significant native Hawaiian population. These unique characteristics present challenges that are specific to Maui County and cannot be found anywhere else. Despite these challenges and the exiguous level of support from the cable company, Akaku does exemplary work to provide the highest and best quality of service possible. However, highest and best quality does not translate into our needs being met nor does it guarantee a sustainable future for community media.

Akaku has worked diligently to compile recommended conditions for the franchise renewal agreement. Maui County as a whole has always been supportive of our PEG provider

August 29, 2012

Page 2

I am of the position that each and every one of Akaku's recommended conditions listed hereafter are critical to the enhancement and continue success of Maui's community media future.

1. PEG channels must be carried in the same format and with the same signal quality as local "must carry" commercial channels. Language about technical feasibility must not be used to diminish public access programming by providing services of less than commercial quality.
2. A minimum of 10% of all electromagnetic spectrum should be set aside for public interest use and use by community anchor institutions, including: PEG access organizations, public and private schools, government, hospitals, libraries, community media centers, community centers and public parks. Applications for public and community use include: public safety, telemedicine, telework, telepresence, emergency alerts, electric grid management, energy management, wireless communication and other applications in the public interest.
3. No diminishment of existing analog spectrum available to Akaku in the migration from analog to digital. The PEG access transition from analog to digital should not result in reduced bandwidth, reduced accessibility, reduced quality or reduced features during or after transition, relative to any other previously broadcast analog cable and/or IPTV channels.
4. Akaku must remain on the most accessible tiers available to all subscribers. PEG channels must be duplicated on additional tiers in the manner of local "must carry" channels and must not be involuntarily moved from easy access (analog "basic" tier) to "digital" tiers requiring special equipment or fees. PEG channels must not reach fewer viewers or be difficult to find, load or view. PEG channels must also be available on HD and enhanced TV.
5. Oceanic Time Warner must provide 25 hours per month of video on demand capability to Akaku for the duration of the franchise with increased capacity to be negotiated during the franchise term.
6. Oceanic Time Warner must provide 100 promotional spot inventory per month in run of schedule to be programmed by Akaku.
7. If the franchise agreement with the DCCA is superseded or replaced with federal and/or state broadband regulation and/or state video programming/broadband franchises, equivalent fees or revenue from taxes on broadband revenue will be used to fund local access and programming (formerly PEG access channels), which will be program sources connected to the internet.

8. Prevent any reduction in fees due to a change in franchise fee definition or evaluation by Oceanic Time Warner. Raise franchise fees to 5% or a higher amount as allowed by law.
9. Capital contributions to PEG entities which have not increased in a number of years must be increased from the current rate of \$3.00 per subscriber and should include annual negotiated step up contributions of at least 4% per year for each year of the franchise term.
10. The transition to digital may result in increased expenses for Akaku, including internet connection and equipment costs, upgrades for high definition and enhanced services, and additional studio, staff and operating costs. The franchise agreement must include the ability to assess additional funds for these purposes.
11. Oceanic Time Warner must bear cost of PEG conversion of NTSC signal to digital and the cost of connecting Akaku to other carriers as a condition of franchise.
12. Free internet connections and service for designated public facilities should be mandated. Akaku must have access to minimum specified symmetrical upload and download speeds. INET and public fiber should be installed alongside commercial fiber.
13. Oceanic Time Warner must provide a minimum of 15 megabit symmetrical broadband service to Maui County subscribers by June 2014, increasing to 50 megabit symmetrical broadband in 2016 and a minimum of 1 gigabit symmetrical broadband service by 2018.
14. Free WiFi must be offered in all county parks and recreational facilities.
15. PEG channel numbers and placement should be stipulated in the franchise document, and permission to migrate or re-assign must be obtained from DCCA and Akaku.
16. No PEG "channel slamming" or the arbitrary relocation of PEG channels or aggregating PEG channels under a single channel (i.e. 99). No separate application requiring additional clicks to get to PEG content or making PEG inaccessible to channel surfing.
17. PEG channels on digital tiers must have closed captioning capability.
18. PEG channels must remain in the main traffic pattern of remote control and not be banished to "cable Siberia" where viewers have difficulty locating them.

19. Terms like "efficiency" and "video on demand" methodologies should not be unilaterally used by Oceanic Time Warner to diminish delivery of programming. The definition and implementation of those terms and methods of delivery should be at the discretion, direction and under independent control of Akaku.
20. PEG channels must not be subject to channel latency. In some markets, it can take nearly two minutes for PEG content to appear once the correct channel has been selected.
21. PEG channels must be recordable and able to work with DVR recording devices.
22. Oceanic Time Warner must not infringe upon Akaku's ability to develop and deliver local and hyper-local content and/or programming by any media necessary, including cable TV, internet, community broadband, mobile devices, digital devices or any media platform yet to be invented and must support delivery of fully local PEG access services of interest to diverse communities and groups.
23. Since PEG access channels and services are "electronic public commons" with narrowcast and non-market based characteristics, ratings and viewership metrics must have lowest priority on evaluating community communications needs in order to establish channel expansion and/or increased public bandwidth requirements.
24. Net neutrality principles and bandwidth symmetry characteristics must be guaranteed for the duration of the franchise.
25. As reported by the Community Ascertainment Study conducted in Oahu by Merina & Company at DCCA's behest, a "most favored nation" clause should be included in the franchise agreement, which would require Oceanic Time Warner to provide any public benefit service provided by Time Warner Cable in any of its markets, at the request of Akaku, the Cable Advisory Committee or the DCCA if the DCCA determines the service to be in the best interest of the public.
26. Support for PEG access services must be increased, and under no circumstances may PEG access technology, support and funding be reduced from levels currently provided in the existing franchise agreement.
27. Oceanic Time Warner's franchise should be revocable for cause after notice and due process for failure to perform.

August 29, 2012
Page 5

In closing, I would like to thank the DCCA-CATV for its attention to my comments and urge that all the above conditions be included within the Community Ascertainment Report. DCCA-CATV has the opportunity negotiate a revolutionary cable franchise agreement that will provide Maui County with world-class community media and broadband capabilities. Akaku is Maui County's only television media. We rely on Akaku to help us talk to one another and it deserves increased funding and full support. I can only hope that our state agencies are of a progressive disposition so that Maui County is not left in the digital dark age without access to community media.

If there are any questions or concerns, please contact my office at (808) 270-5504.

Sincerely,

A handwritten signature in black ink that reads "Elle Cochran". The signature is written in a cursive, flowing style.

ELLE COCHRAN
Council Member

cc:

Mike White
Council Member
Makawao - Ha'ikū - Pā'ia



Danny Mateo
Council Chairman

Chairman
Economic Development,
Agriculture, & Recreation
Committee

Member
Planning Committee
Water Resources Committee
Budget & Finance Committee
Policy Committee
Land Use Committee
General Plan Committee

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

September 7, 2012

CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

2012 SEP 12 A 10:31

A / C / P / S /

FILE

Mr. Donn Yabusaki, Administrator
Cable Television Division
State Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, Hawaii 96809

Dear Mr. Yabusaki:

**SUBJECT: NEIGHBOR ISLAND CONSIDERATIONS FOR OCEANIC TIME
WARNER CABLE FRANCHISE RENEWAL**

Thank you for meeting with me on the franchise renewal process that the Department of Commerce and Consumer Affairs, Cable Television Division is conducting with applicant Oceanic Time Warner Cable. Our discussion brought to light several important considerations with regard to the neighbor islands of Maui, Moloka'i and Lāna'i. I would like to request that:

- 1) Connectivity in Hāna, Moloka'i and Lāna'i continues to be required to ensure the community's access to view televised public meetings.
- 2) Additional feeds from the State Legislature be established for the neighbor islands, similar to the number of feeds provided to O'ahu. Currently O'ahu's 'Olelo Community Media receives two separate feeds. I would like to request that Akakū: Maui Community Television ("Akakū") also receives two separate feeds.

For the neighbor islands, public access is critical to conducting government business, as it keeps our community aware and involved. I frequently receive comments from constituents who rely on Akakū to view County Council and Committee meetings. These individuals often comment that the televised public access coverage is far more important, timely and relevant to them than other forms of media.

Mahalo for your consideration, and please don't hesitate to contact me or my staff with any questions at 270-5507 or by e-mail at Mike.White@mauicounty.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike White".

MIKE WHITE
Council Member

cc: Honorable Alan M. Arakawa, Mayor, County of Maui
Honorable J. Kalani English, State Senator, District 6
Honorable Mele Carroll, State Representative, District 13
Keali'i S. Lopez, Director, State Department of Commerce and Consumer Affairs

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

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2012 SEP 14 A 11: 24

DIRECTOR'S OFFICE
COMMERCE AND
CONSUMER AFFAIRS

September 12, 2012

Mr. Keali'i Lopez, Director
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, Hawai'i 96809

Dear Director Lopez:

**SUBJECT: COMMENTS REGARDING OCEANIC TIME WARNER
CABLE'S MAUI COUNTY AND LAHAINA/WEST MAUI
CABLE TELEVISION FRANCHISE RENEWAL**

2012 SEP 17 P 2:13
CABLE DIVISION
COMMERCIAL AND
CONSUMER AFFAIRS
FILE

I am writing to express my alignment with the vision articulated by Akaku: Maui Community Television to ensure a robust and sustainable future for state of the art cable television service, public benefit for community media and fast, affordable internet for all the people of Maui County.

Maui County is singularly unique. It is the only county in the United States separated by water. Made up of four islands, Maui County has a significant concentration of Native Hawaiian population and some of the most rural and underserved areas in the nation when it comes to access to broadband and television media. Akaku is Maui County's only electronic public media resource. These important characteristics position Maui County as deserving of a comprehensive cable franchise agreement that fits its needs and guarantees a sustainable community media future for all its residents.

According to state law, Oceanic Time Warner Cable is required to provide facilities, equipment, channels and financial support for Public, Educational and Government (PEG) access programming and we recommend that, at minimum, the following principles be prerequisites as a condition of franchise renewal, *as rent for the use of Maui County's public rights of way.*

EQUAL RIGHTS FOR COMMUNITY MEDIA

Akaku's PEG channels must be carried in the same format and with the same signal quality as all local "must carry" commercial channels. This will require guaranteed channel placement on all service tiers with no diminishment of dedicated public electronic spectrum without the consent of Akaku and the DCCA.

There should be no cable company restraints on Akaku's use of cable fees to provide content on cable TV, internet, digital devices or any other media platform currently in use or yet to be invented.

Oceanic Time Warner must provide PEG services to Akaku and Maui County that are the same or better than the PEG services it provides to any other jurisdiction for the duration of the franchise.

SUSTAINABLE FUNDING FOR THE FUTURE

Akaku will require adequate funding of not less than 5% of franchise fees from cable gross revenue and a reasonable capital contribution from the cable company, with annual increases for the duration of the franchise term. Funding should be contractual for the term of the franchise notwithstanding changes in state or federal legislation.

NO DIGITAL DIVIDE - BROADBAND AND INTERNET SERVICE FOR ALL

Oceanic Time Warner must provide fast, affordable, ubiquitous and accessible broadband which will achieve speeds of 1 gigabit symmetrical service by 2018 for all Maui County subscribers. Oceanic must also provide free WiFi in all county parks and recreation areas.

To support economic development and education, Oceanic Time Warner must provide live upstream transmission capability and high speed broadband service to designated Community Anchor Institutions, public and private schools, government buildings, hospitals, libraries, community centers, community media centers, non-profit agencies, Akaku and public parks.

Specifically, we are asking that the following contractual provisions be included in the franchise agreement:

1. PEG channels must be carried in the same format and with the same signal quality as local "must carry" commercial channels. Language about technical feasibility must not be used to diminish public access programming by providing services of less than commercial quality.
2. A minimum of 10% of all electromagnetic spectrum should be set aside for public interest use and use by community anchor institutions, including PEG access organizations, public and private schools, government, hospitals, libraries, community media centers, community centers and public parks. Applications for public and community use include: public safety, telemedicine, telework, telepresence, emergency alerts, electric grid management, energy management, wireless communication and other applications in the public interest.

3. No diminishment of existing analog spectrum available to Akaku in the migration from analog to digital. The PEG access transition from analog to digital should not result in reduced bandwidth, reduced accessibility, reduced quality or reduced features during or after transition, relative to any other previously broadcast analog cable and/or IPTV channels.
4. Akaku must remain on the most accessible tiers available to all subscribers. PEG channels must be duplicated on additional tiers in the manner of local "must carry" channels and must not be involuntarily moved from easy access (analog "basic" tier) to "digital" tiers requiring special equipment or fees. PEG channels must not reach fewer viewers or be difficult to find, load or view. PEG channels must also be available on HD and enhanced TV.
5. Oceanic Time Warner must provide 25 hours per month of video on demand capability to Akaku for the duration of the franchise with increased capacity to be negotiated during the franchise term.
6. Oceanic Time Warner must provide a minimum of 100 cross channel promotional spots per month in run of schedule from promotional materials provided by Akaku.
7. If the franchise agreement with the DCCA is superseded or replaced with federal and/or state broadband regulation and/or state video programming/broadband franchises, equivalent fees or revenue from taxes on broadband revenue will be used to fund local access and programming (formerly PEG access channels), which will be program sources connected to the internet.
8. Prevent any reduction in fees due to a change in franchise fee definition or evaluation by Oceanic Time Warner. Raise franchise fees to 5% or any higher amount allowed by law.
9. Capital contributions to PEG entities which have not increased in a number of years must be increased from the current rate of \$3.00 per subscriber and should include annual negotiated step up contributions of at least 4% per year for each year of the franchise term.
10. The transition to digital may result in increased expenses for Akaku, including internet connection and equipment costs, upgrades for high definition and enhanced services, and additional studio, staff and operating costs. The franchise agreement must include the ability to assess additional funds for these purposes.
11. Oceanic Time Warner must bear cost of PEG conversion of NTSC signal to digital and the cost of connecting Akaku to other carriers as a condition of franchise.
12. Free internet connections and service for designated public facilities should be mandated. Akaku must have access to minimum specified symmetrical upload and download speeds. INET

and public fiber should be installed alongside commercial fiber.

13. Oceanic Time Warner must provide a minimum of 15 megabit symmetrical broadband service to Maui County subscribers by June 2014, increasing to 50 megabit symmetrical broadband in 2016 and a minimum of 1 gigabit symmetrical broadband service by 2018.

14. Free WiFi must be offered in all county parks and recreational facilities.

15. PEG channel numbers, channel location and placement should be stipulated in the franchise document, and permission to migrate or re-assign must be obtained from DCCA and Akaku.

16. No PEG "channel slamming" or the arbitrary relocation of PEG channels or aggregating PEG channels under a single channel (i.e. 99). No separate application requiring additional clicks to get to PEG content or making PEG inaccessible to channel surfing.

17. PEG channels on digital tiers must have closed captioning capability.

18. PEG channels must remain in main traffic pattern of remote control and not banished to "cable Siberia" where viewers have difficulty locating them.

19. Terms like "efficiency" and "video on demand" methodologies should not be unilaterally used by Oceanic Time Warner to diminish delivery of programming. The definition and implementation of those terms and methods of delivery should be at the discretion, direction and under independent control of Akaku.

20. PEG channels must not be subject to channel latency. In some markets, it can take nearly two minutes for PEG content to appear once the correct channel has been selected.

21. PEG channels must be recordable and able to work with DVR recording devices.

22. Oceanic Time Warner must not infringe upon Akaku's ability to develop and deliver local and hyper-local content and/or programming by any media necessary, including cable TV, internet, community broadband, mobile devices, digital devices or any media platform yet to be invented and must support delivery of fully local PEG access services of interest to diverse communities and groups.

23. Since PEG access channels and services are "electronic public commons" with narrowcast and non-market based characteristics, ratings and viewership metrics must have lowest priority on evaluating community communications needs in order to establish channel expansion and/or increased public bandwidth requirements.

24. Net neutrality principles and bandwidth symmetry characteristics must be guaranteed for the duration of the franchise.
25. As reported by the Community Ascertainment Study conducted in Oahu by Merina & Company at DCCA's behest, a "most favored nation" clause should be included in the franchise agreement, which would require Oceanic Time Warner to provide any public benefit service provided by Time Warner Cable in any of its markets, at the request of Akaku, the Cable Advisory Committee or the DCCA if the DCCA determines the service to be in the best interest of the public.
26. Support for PEG access services must be increased, and under no circumstances may PEG access technology, support and funding be reduced from levels currently provided in the existing franchise agreement.
27. Oceanic Time Warner should be required to install necessary electronics to activate dark fiber on the existing Institutional Network and provide upstream drops to up to 50 additional locations on the INET as designated by the County throughout the term of the franchise.
28. Oceanic Time Warner's franchise should be revocable for cause after notice and due process for failure to perform.

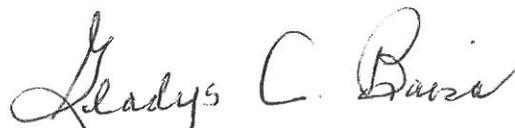
It is evident that the cable TV business is evolving away from just a video delivery business into a broadband business and will continue to do so for the contemplated term of the franchise.

In evaluating Oceanic Time Warner's franchise renewal application, DCCA will need to determine Oceanic Time Warner's position on issues like net metering, deep packet inspection, filtering of content, bandwidth and data speed, network symmetry and net neutrality. It is likely that in the next decade we will see ubiquitous broadband networks as the norm. Cable systems will morph into all purpose IP networks with no traditional cable service or channels; the primary product will be transmission of voice and high speed data; and program distribution will adopt an internet model with sources of video programming located anywhere and accessible everywhere.

If DCCA is to do its job and help ensure a future for public communication and electronic democracy as it is required to do, Oceanic Time Warner's franchise renewal application must be looked at in the context of a rapidly evolving video market so that the PEG access paradigm can continue to flourish with adequate technical support and funding, in exchange for use of public rights of way regardless of the technology.

Director Keali'i Lopez
September 12, 2012
Page 6

Aloha,


GLADYS C. BAISA
Council Member

GCB:amm

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

Director of Council Services
Ken Fukuoka

RECEIVED

2012 SEP 13 A 9:52

DIRECTOR'S OFFICE
COMMERCE AND
CONSUMER AFFAIRS

September 11, 2012

Ms. Keali'i Lopez, Director
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, Hawaii 96809

Dear Ms. Lopez:

I am writing to comment on the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County. Maui Nui is unique from the rest of the state. We are the only county in the nation with four islands separated by water and we have many underserved rural areas, many with significant native Hawaiian population. We need an agreement that fits Maui, not the same agreement negotiated for the County of Honolulu in 2009.

As cable technology evolves from the delivery of entertainment and broadcast television channels, to a system that provides voice, internet and a variety of new services via broadband, it is important that the state take an active role in preserving and protecting the public "electronic commons" currently operating as Public, Education and Government (PEG) Access under the auspices of Akaku. Akaku is Maui County's only television media. We rely on Akaku to help us talk to one another and it deserves increased funding and full support.

The following are the minimum services I recommend the state require from the cable company in exchange for the use of public rights of way during the franchise term.

- Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
- Maintain channel ID numbers and locations as agreed to by Akaku.
- Increase funding and capital support to Akaku with no restrictions on funds for internet and new media use.
- Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
- Dedicate 10% of all bandwidth for public benefit use.
- Provide fast, affordable internet for all.
- Meet the Governor's goal of symmetrical gigabit internet by 2018.
- Provide Akaku with 25 hours of Video On Demand.

FILE
2012 SEP 17 P 2:13
CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

September 11, 2012
Page 2

In addition, I believe that Oceanic Time Warner should advertise affordable service to low income populations, activate unused fiber on the Institutional Network for public use and offer compensation for consolidation of the Lahaina and Kahului franchises.

If you have any questions, please feel free to contact me at 270-7108 or via email at don.couch@mauicounty.us.

Sincerely,



DONALD G. COUCH, JR.
Council Member

Makawao

COMMUNITY ASSOCIATION

RECEIVED

September 10, 2012

2012 SEP 12 A 10:51

2012 SEP 12 A 9:16

Keali'i Lopez, Director
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809

DIRECTOR'S OFFICE
COMMERCE AND
CONSUMER AFFAIRS

Board of Directors

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Judy Mertens

Paul Mikolay

Robert Santry, MD

Erin Starr

Theresa Thompson

Dear Director Lopez,

Please consider these comments in regard to the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County. Maui County is unique from the rest of the state. We are a county of four islands separated by water and we have many underserved rural areas, many with significant native Hawaiian population. We need an agreement that fits Maui, not the same agreement negotiated for the County of Honolulu in 2009.

As Cable technology evolves from the delivery of entertainment and broadcast television channels to a system that provides voice, internet and a variety of new services via broadband, it is important that the state take an active role in preserving and protecting the public "electronic commons" currently operating as Public, Education and Government (PEG) Access under the auspices of Akaku. Akaku is Maui County's only television media. We rely on Akaku to help us communicate with one another and it deserves adequate funding and full support.

On behalf of the Makawao Community Association Board of Directors I recommend that the state require from the cable company in exchange for the use of public rights of way during the franchise term.

1. Cablecast Akaku channel with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Provide funding and capitol support to Akaku with no restrictions on funds for internet and new media use

The Makawao Community Association Board of Directors considers the service provided by Akaku to be a vital part of our community communication and freedom of speech which encourages and enhances community understanding and participation.

Thank you for your time and consideration of our comments.

Sincerely,



Jeremy Baldwin, President
Makawao Community Association Board of Directors

HANA YOUTH CENTER, INC.

© KIPAIPI I NA 'ŌPIO I NA HANA KI I NA FONO MAI MANAWA A MAI LOA ANI.
(INSPIRING YOUTH TO MAKE POSITIVE IMPRESSIONS THAT LAST A LIFETIME.)

5091 Uakea Road / P.O. Box 464
Hana, HI 96713
Phone number: 808.248.8504
Fax number: 808.248.7336
Email: hanayouthcenter@hanscape.net
Federal tax I.D. 99-0276738

August 28th, 2012

To: Department of Commerce & Consumer Affairs
From: JOHN L. VILLIARIMO
Re: AKAKU Public Access Television

To Whom It May Concern:

It is with great pleasure to write this letter on behalf of AKAKU. In the early part of 2012, AKAKU brought a program out to Hana Youth Center called Project YBEAM, teaching our youth about mobile journalism and the benefits it could have on our isolated community. We had a small contingent of youth, myself included, which participated in the program and was able to complete the 8-week class.

Besides the programs AKAKU is able to bring to our community, I feel it is important for our community at-large (Maui County) to have public access television available to its' members. More recently, with the primary elections earlier this month, AKAKU was able to provide live debates of the different candidates running for the different office here in Maui County.

Please continue to support AKAKU so that our community can continue to benefit from these programs.

Sincerely,

John L. Villiarimo

JOHN L. VILLIARIMO

Hana Youth Center Staff

Kekoa Pua - Program Specialist
Jasmine Oliveira - Program Specialist
John Villiarimo - Assistant Director
W. Keoni Kalani - Executive Director

H.Y.C. Board of Directors

Shannon Lind - Director
Patricia Eason - Director
Melanie Coates - Secretary
Ronnie Hill - Treasurer
Chris Harrington - President



maui economic
DEVELOPMENT BOARD
Building Pathways

September 13, 2012

Department of Commerce and Consumer Affairs (DCCA)
State of Hawai'i
Attention: Cable Television Division
Post Office Box 541
Honolulu, Hawai'i 96809

VIA EMAIL ONLY (cabletv@dcca.hawaii.gov)

Re: Oceanic Time Warner's Cable Franchises in Maui County

Dear DCCA:

Thank you for accepting these comments on behalf of Maui Economic Development Board, Inc. (MEDB). Founded in 1982, MEDB is a nonprofit organization with the mission of providing leadership and vision in our community for the responsible design and development of a strong, sustainable, and diversified economy for Maui County. We envision a future in which abundant opportunities for rewarding employment are met by a qualified, resident workforce in Maui County, a community that honors its cultural heritage and natural environment. In fulfillment of its mission and vision, MEDB seeks to promote informed, respectful civic engagement.

Public, educational, and government (PEG) television plays an invaluable role in civic engagement. This is particularly important in multi-island, largely rural Maui County; many residents do not otherwise have easy access to county and state government.

In addition, the increased local capacity of broadband, wifi, and other Internet-related tools would promote both civic engagement and economic development. Like many of our partners and colleagues in the Maui Research and Technology Park, we have long recognized connectivity and technology are keys to local businesses' competitiveness and growth. Broadband is particularly significant for the emerging business sectors that hold the promise of both economic and environmental sustainability, such as information technology, biotechnology, and renewable energy.

MEDB requests DCCA's consideration of the importance of civic engagement and economic development when renewing the renewal of Ocean Time Warner's Cable Franchises in Maui County.

1305 N. Holopono Street, Suite 1
Kihei, Maui, Hawai'i 96753

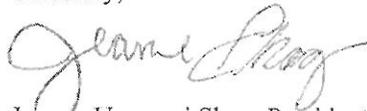
telephone: 1.808.875.2300
facsimile: 1.808.879.0011
www.medb.org

We further request consideration of the following specific suggestions:

- PEG channels should not be discriminated against. They should be carried in the same format and signal quality as commercial channels.
- Free Internet connections and service for designated public facilities should be mandated.
- Free wifi should be offered in certain public areas and facilities, including business districts and government buildings.
- A minimum of 15 megabit symmetrical broadband service should be provided to subscribers.
- Net neutrality principles should be guaranteed.

Thank you for your consideration.

Sincerely,



Jeane Unemori Skog, President and CEO
Maui Economic Development Board, Inc.

1305 N. Holo pono Street, Suite 1
Kihei, Maui, Hawai'i 96753

telephone: 1.808.875.2300
facsimile: 1.808.879.0011
www.medb.org

Aloha,

My name is Robert Albert, and I am employed as the Media Center Coordinator for UH Maui College. I am submitting this testimony as both a general public (current Oceanic Cable subscriber) and education sector (employed by UH Maui College) stakeholder. I am in support of the proposed request by Time Warner Entertainment Company and ask that the Department of Commerce and Consumer Affairs consolidate the renewal proceedings for Maui County and Lahaina/West Maui franchises, and for the issuance of a single consolidated franchise.

I support the request for the following reasons:

- Time Warner Cable has stated the consolidation and renewal request will have absolutely no impact on the cable system operations in the area
- Time Warner Cable has stated there will be no change in their commitment to providing their customers with the best variety and quality in entertainment and information services
- Time Warner Cable has determined the request will help streamline management reporting and create a more geographically rational structure

As part of this testimony, I want to state that the continuance of specific agreements between the DCCA and Time Warner Cable continue, and additional proposals for consideration agreement based upon what I consider are improvements for the viewing public. Establishing, extending, and agreeing to these proposals will help to ensure my support of Time Warner Cable's request. These include:

- Continuation of Time Warner Cable's commitment (per The Communications Act) of designating a significant portion of its channel capacity for public, education and governmental access programming
- Ensure quality of service, comparable to the product and service currently provided by network over the air broadcast operations
- Provide the DCCA with full authority over all Time Warner into the home services, which will not be limited to only cable television operations, but OTTP internet services as cable providers morph into Internet services
- Continuation of Time Warner's agreement with DCCA and Akaku Community Television and all contractual agreements between these entities and The Department of Education and University of Hawaii Maui College
- Additional channel capacity for public access programming, to promote and support both digital and High Definition (HD) programming

- Agree to a seven-year franchise agreement. With the current progress of technology, a ten-year or longer agreement is not in the best interest of the public. There are many unknowns regarding the future of cable television, OTTP services, and Internet access into the home.
- Ensure that basic cable access remain affordable for those unable to pay for digital and premium channels. Basic cable should include the majority of channels offered by Time Warner, and all programming, whether basic or premium, should provide HD programs.

Currently, the college is allocated one analog and one digital channel. The college has recently upgraded its internal production and master control systems to fully digital/HD-compatible. HD capability and HD channel programming is driving cable carriage. I encourage Time Warner Cable to take full advantage of our HD capability and consider upgrading our current analog channel to a digital channel, and providing an additional HDTV channel for UHMC's educational programming.

I would like to thank the Department of Commerce and Consumer Affairs Cable Television Division for this opportunity to provide this testimony.

Sincerely,

Robert Albert
UH Maui College
808-984.3620 (o)
808-984.3660 (f)
ralbert@hawaii.edu



Malia Huliau Foundation
<info@mauihuliaufoundation.org>
Sent by:
mauihuliaufoundation@gmail.com

To cabletv@dcca.hawaii.gov
cc
bcc
Subject A letter in support of Akakū

09/12/2012 07:49 AM

Please respond to
info@mauihuliaufoundation.org

Aloha Director Lopez,

I am writing to comment on the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County.

I run an after school filmmaking program for Maui youth and we air their films on Akakū. This is a valuable way to share their films with the community. The Akakū staff has also been very helpful in offering us technical support and advice. Akakū is Maui County's only television media. We rely on Akaku to help us talk to one another and it deserves increased funding and full support.

The following are the minimum services I recommend the state require from the cable company in exchange for the use of public rights of way during the franchise term.

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akakū.
3. Increase funding and capital support to Akakū with no restrictions on funds for internet and new media use.
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akakū regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public benefit use.
7. Provide fast, affordable internet for all.
8. Meet the Governor's goal of symmetrical gigabit internet by 2018
9. Free WiFi in public parks and designated areas
10. Provide Akakū 25 hours of Video On Demand

I also believe that Oceanic Time Warner should advertise affordable service to low income populations, activate unused fiber on the Institutional Network for public use and offer compensation for consolidation of the Lahaina and Kahului franchises.

--

Mahalo,
Malia Cahill
Executive Director
Maui Huliau Foundation
info@mauihuliaufoundation.org
(808)573-1041

www.mauihuliaufoundation.org

Promoting environmental leadership among Maui's youth

□ *E mālama* □ *ia nā pono o ka* □ *āina e nā* □ *ōpio*

The traditions of the land are perpetuated by its youth



MMMMahalo2000@aol.com

09/14/2012 12:57 PM

To cabletv@dcca.hawaii.gov

cc

bcc

Subject Testimony from KCA in support of Akaku TV

Aloha,

This is Mike Moran VP Kihei Community Association (KCA) www.gokihei.org, on Maui, submitting our Association's testimony concerning Ocean Time Warner Cable (OTWC.).

Mahalo, Mike 891-9176 Kihei, HI September 14, 2012

Kihei Community Association (KCA) is a non profit all volunteer organization on Maui in Hawaii. We wish to be on record in support of oral testimony offered by Jay April at your public hearing on 8/29/12., as well as Mike Moran's testimony, which was offered that evening as his personal testimony, but our BOD approved it as our own as well. Further we request your Department require OTWC.to treat our only community access and local telecasting station equally with all commercial stations, and to provide equal overall service to our island community.

Further, we subscribe to and support the following points offered by Akaku as our own :

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Increase funding and capital support to Akaku with no restrictions on funds for internet and new media use.
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akaku regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public benefit use.
7. Provide fast, affordable internet for all.
8. Meet the Governor's goal of symmetrical gigabit internet by 2018
9. Free WiFi in public parks and designated areas
10. Provide Akaku 25 hours of Video On Demand

WE also believe that Oceanic Time Warner should advertise affordable service to low income populations, activate unused fiber on the Institutional Network for public use and offer compensation for consolidation of the Lahaina and Kahului franchises.

South Maui Learning Ohana, Inc.
a 501 c3 educational non profit
Fed ID # 99-0341232

Ms. Keali'i Lopez
Director
Department of Commerce and Consumer Affairs (DCCA)

September 13, 2012

RE: OCEANIC TIME WARNER CABLE TELEVISION FRANCHISE RENEWAL
FOR KAHULUI AND LAHAINA FRANCHISES

Dear Ms. Lopez,

South Maui Learning Ohana, inc. is a non-profit on Maui that supports all educational activities.

To this end our partnership with Akaku, an iconic non-profit on Maui, is highly valued and together we have done and are poised to do more educational activities and programs for the youth of Maui County.

Akaku is more than a Community Television organization. The educational programs at Akaku give the students of Maui County opportunities that they would be unable to avail themselves of if they only had their schools to rely on.

Affordable courses in TV production, community journalism, digital media and others are available for little or no cost to students that are curious about these career paths.

One example of Akaku outreach is the TV studio that was a three way partnership with South Maui Learning Ohana and Kihei Charter School.

In these times of radical budget cutting for education, partnerships with organizations like Akaku are essential for schools to be able to offer great programs to their students which would not be offered without the assistance of Akaku.

Akaku would do more for education if they had more funds to work with. I understand that the percentage of revenue from Oceanic Time Warner that goes to Akaku could be 5% however that has not been assessed by the DCCA. I would like to say that we need to correct this percentage immediately and now is the time as we negotiate the franchise agreement that gives Time Warner the opportunity to use our public rights of way.

Time Warner needs to pay a higher percentage and the state of Hawaii needs to get the maximum amount of revenue from Time Warner for Akaku.

Sincerely

Cheryl Zarro
Board member
South Maui Learning Ohana, inc.



UNIVERSITY of HAWAII®
MAUI COLLEGE

BY E-MAIL

cabletv@dcca.hawaii.gov

September 14, 2012

Don Yabusaki, Administrator
DCCA-CATV
P.O. Box 541
Honolulu, HI 96809

Re: Comments for Community Ascertainment Report

Dear Mr. Yabusaki:

On behalf of University of Hawai'i Maui College (UHMC) and its employees, this testimony seeks to advance the collaboration between and among Oceanic Time Warner (OTW) cable services, other public access entities and higher education in Maui County in the service of our Maui County community.

The University of Hawai'i Maui College is the single and only source of higher education on the islands of Maui, Molokai and Lāna'i. Our educational services are provided over several media, including but not limited to, cable services provided by Oceanic Time Warner. Our students rely on the cable services of Oceanic Time Warner to further their education and obtain their goals and aspirations in life. As a result, UHMC relies on Oceanic Time Warner for providing reliable, available, affordable, and timely services to our students.

We request that the DCCA ensure that OTW provides the current level of cable services and also allows the College to broadcast educational content in a digital format.

The disparity of health standards among the residents of Maui County is a cause of concern to us at the College. While certain segments of the County enjoy longevity and good health, other segments lag far behind in terms of affordable health care and effectiveness of health care. The education provided by UHMC, especially related to health awareness, wellness and nutrition, is critical for the under-privileged sections of the County who often rely on cable television as their source of information.



2002-2003
MetLife Foundation
Best-Practice College
Award Recipient



2008
Bellwether
Award Recipient



2009
President's
Higher
Education
Community
Service
Honor Roll

310 W. Ka'ahumanu Avenue
Kahului, HI 96732-1617
Telephone: 808 984-3655
Fax: 808 984-3546
Website: www.maui.hawaii.edu

An Equal Opportunity/Affirmative
Action Institution

The College requests the DCCA to continue to ensure that our educational content is transmitted to all parts of Maui County and especially those that are remote and may be economically and educationally disadvantaged.

In collaboration with OTW, the County of Maui and other partners, UHMC also serves as a focus of, and contributor to, emergency management throughout the County of Maui. In the event of a disaster where commercial broadcast facilities have been and may be interrupted by weather conditions, the College could assist with disaster management and recovery services to the residents and visitors of our tri-island community. If the power and signal were operating, the College could transmit timely and reliable information over the cable channels to inform citizens during and after the inception of a natural or man-made disaster.

Should OTW and DCCA consider this potential benefit to the safety and well-being of the Maui County community, we recommend a collaboration that might "harden" the UHMC television studio to ensure that disaster management cable telecast capabilities could be protected in highly adverse weather conditions.

Finally, the UHMC is a fulcrum for economic development, technology innovation and entrepreneurship among the citizenry of Maui County. UHMC leads higher education in Hawai'i through sustainable technology, sustainable science, entrepreneurial technology solutions and health information technology curricula. As educational leaders and innovators, UHMC supports the transformation of Maui County from a primarily agriculture-based economy to one diversified through hospitality, health sciences, culinary sciences, technology diversified agriculture and other possibilities. In serving the community, UHMC views its partnerships with OTW and PEG colleagues as essential to a constructively designed digital and economic future.

As such, UHMC recommends that the DCCA ensures that:

- OTW maintains its current quality of analog cable service throughout the County of Maui;
- OTW expands and enhances its quality of cable service to include high definition digital transmission and equipment to allow UHMC to broadcast on more than one digital channel. While one digital channel could provide classroom content to students, a second channel could provide community and general content and services to the public;
- OTW provides adequate, reliable and consistent resources to community and educational partners such as AKAKU and UHMC;
- OTW continues to provide access to education cable content to those sections of the County that are economically depressed or in remote locations; this might be facilitated through an interconnect between OTW and possibly Sandwich Isles Communications, which serves the Hawaiian Homes communities; and

Don Yabusaki
DCCA-CATV
September 14, 2012
Page 3

- An OTW-UHMC partnership to provide health care information and guidance to those residents of our tri-isle community that are economically disadvantaged is supported.

In summary, this testimony provides an opportunity for the UHMC to partner with OTW and other cable-related entities to transform the County of Maui as a leader and innovator in distance educational services, disaster response, health care management, and other sustainable as well as entrepreneurial initiatives. We thank the DCCA for allowing the UHMC to provide testimony as part of the proceedings to renew the franchise agreement.

Sincerely,

Clyde M. Sakamoto, EdD
Chancellor



UNIVERSITY of HAWAII
MAUI COLLEGE

BY E-MAIL

cabletv@dcca.hawaii.gov

September 14, 2012

Don Yabusaki, Administrator

DCCA-CATV

P.O. Box 541

Honolulu, HI 96809

Re: Comments for Community Ascertainment Report

Dear Mr. Yabusaki:

My name is Dr. Debasis Bhattacharya, and I currently serve at the Interim Vice Chancellor for Information Technology at the University of Hawaii Maui College (UHMC). As the only source of higher education on the islands of Maui, Lanai and Molokai, the UHMC is chartered with providing distance education to remote locations without compromising quality, effectiveness and strength of the educational content.

Our partnership with Oceanic Time Warner (OTW) and our PEG colleagues goes back many years and we would like to extend and enhance this partnership for the next decade. Specifically, as the leader of high technology within UHMC, I would recommend the following:

1. OTW provides UHMC with two (and eventually more) digital channels that can provide enhanced digital content to our digital ready consumers
2. OTW continues to provide UHMC educational content to those subscribers who are not ready for digital cable reception
3. OTW collaborates with UHMC to provide educational access to the remote sections of Maui County and to the disadvantaged sections of the population
4. OTW works with UHMC on new and emerging digital and broadcast technologies, that transforms educational content to handheld devices
5. OTW shares its experience and success in other markets on the mainland in order to translate success to the citizens of Maui County

I thank the DCCA for allowing the UHMC to provide testimony and look forward to working with Oceanic Time Warner.

Sincerely,

A handwritten signature in black ink that reads "Debasis Bhattacharya".

Debasis Bhattacharya, JD, DBA

Vice Chancellor for Information Technology

808.984.3619

debasisb@hawaii.edu

Ms. Keali'i Lopez
Director
Department of Commerce and Consumer Affairs (DCCA)

September 13, 2012

**RE: OCEANIC TIME WARNER CABLE TELEVISION FRANCHISE RENEWAL
FOR KAHULUI AND LAHAINA FRANCHISES**

Dear Ms. Lopez,

Since Akaku, Maui Community Television, cannot negotiate directly with Oceanic Time Warner for Time Warner's right to travel on our public rights of way I would like to express my opinion that it is your responsibility as the Director of the DCCA to negotiate the best possible contract for the citizens of Maui County.

This telecommunications highway belongs to the citizens of Maui County and in essence we are hiring you to negotiate a lease for our property with someone who is expected to make a considerable profit by having access to this right of way. I do not feel that it is up to the potential lessee to dictate the terms but since you represent our interests I feel it is up to your department, the DCCA, to strongly represent the interests of Maui Community Television, Akaku.

I also would like to make a point that this is not so much a regulatory issue as it is a contractual issue. This contract should apply to all products and services delivered by Oceanic Time Warner over our public right of way not only the ones we have regulatory jurisdiction over. Those are two different responsibilities.

You will hear many specifics about what we at Akaku feel will be a fair and just negotiation. I will specify a couple of these but I will defer to our President and CEO, Jay April for the exact details.

First and foremost Akaku needs to have a guaranteed income with built in escalations over the life of the franchise agreement. Currently the State of Hawaii is not asking Time Warner for the full percentage amount we are entitled to. I do not think that is in the best interest of the citizens of Maui County. We need to get the maximum percentage we are entitled to with built in increases related to some respected index.

I think it is important that Akaku appear on all of the tiers of cable broadcasting so that those subscribers to HDTV can still access Akaku.

There are many other issues and concerns but like I said I will leave the details up to our president and CEO, Jay April.

Sincerely

Gene Zarro
Chair, Akaku



Antonia
<wholisticchoices@yahoo.com>

08/28/2012 12:01 PM

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

cc

bcc

Subject Comments on the Oceanic Cable franchise renewal for Maui

Dear DCCA;

I recently purchased a home and now live in Kihei HI. As a new resident, I've found the public access channels Akaku 1 and 2 to be invaluable. I've watched County Council Meetings, learned about the natural resources and threats to those, disaster preparedness, water, air, and land development issues and much more. These channels are vital to ensuring transparency in government meetings that otherwise would go on without residents knowledge or input. These channels are far more important to educating the public than any other channels on cable. And with no news channel specific to Maui, these channels help to fill that void.

We pay alot for Oceanic cable and should have our needs included the cable channel line up.

My other comment is on the digital cable channel organization. I has lived on both east and west coast of mainland and have never been as confused as to where to find a channel or program as I am with Oceanic cable in Maui. Prime time on some channels start at 2pm here (!) obviously receiving transmission on EST zone. Others start at 5, 6, or 7pm so I never know when a program I want to watch is on. And there are multiples of each channel located in various locations (eg 5, 85, 1005) with HD and only some HD channels are available depending on the additional package chosen. Cant the HD channels be grouped? Im intelligent but it takes alot of time to figure out when and where to find a program! (so I give up and turn to Akaku channels). I'm very happy I have my own DVR to record programs otherwise I would miss alot. In San Diego, Cox cable had all their On Demand channels accessible in Ch 1. Oceanic cable has them broken down into separate "Entertainment" "Primetime" "Lifestyles" etc all on different channels. What alot of work to figure out what type of show it is and what channel it's on. Wow. Can't it be simple and put them all on a single channel.

I appreciate the opportunity to have my comments considered in the renewal of the Oceanic Cable franchise in Maui.

Mahalo
Antonia Debevec



Aisha Jones
<aisha96708@gmail.com>
08/30/2012 09:08 AM

To cabletv@dcca.hawaii.gov
cc
bcc

Subject testimony from community meeting regarding Akaku

Aloha,

My name is Aisha Jones. I recently graduated from Kamehameha Schools Maui Campus and am a youth of the Maui community. I just had a short testimony in support of Akaku and its funding to continue youth education and access to equipment. As a former participant of the YBEAM (Youth Broadband Education & Awareness Mentoring), I can personally say that I gained a plethora of information that I otherwise would not have been able to attain at my age, had it not been for Akaku's program. The skills and information taught at youth education programs by Akaku are unique in that they teach new aspects from both a world view and also a local perspective. Supporting Akaku's youth education programs would only greater benefit the future of our local community and also allow the youth opportunities that are not always easily accessible.

If there are any questions of concerns, please feel free to e-mail me back.

Mahalo,

Aisha Jones



Stuart Hirotsu
<kotonk544@yahoo.com>

09/11/2012 09:11 PM

Please respond to
Stuart Hirotsu
<kotonk544@yahoo.com>

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

cc

bcc

Subject Akaku & Oceanic Time Warner

Aloha Director Lopez,

Thank you for considering community input regarding the Oceanic Time Warner Cable franchise renewal in Maui County. I realize that you are busy, so I will try to keep it short.

My name is Stuart Hirotsu, and I have been an Akaku producer for over ten years. The level of support from the Akaku staff has always been professional and inspiring. I say this after having spent 15 years working in state-of-the-art production facilities across the country and around the world.

Excuse me while I belabor the obvious, but we live in a time when technology and media are evolving at a rate that would have been incomprehensible a generation ago. Akaku is Maui's primary community forum, and they help us communicate with our friends and neighbors like no other medium or service. The people of Maui need to have Akaku evolve on pace with the rest of the technological landscape.

In order to do so, please consider the following requests:

1. Please cablecast Akaku channels with the same format and signal quality as local broadcast channels, including HD video and stereo audio.
2. Please allow Akaku to maintain channel ID numbers and locations. Disruption of these important identifiers would be as confusing as changing your cell phone number on a regular basis.
3. Considering the rapid advances in video technology, please allow Akaku to remain current by increasing funding and capital support.
4. Please dedicate at least 10% of all bandwidth for public access use.
5. Please provide Akaku with at least 25 hours of Video On Demand capability.

Thank you for taking the time to listen to the people of Maui.

mahalo,
Stuart Hirotsu
www.IsseiProductions.com
808 280-5424

Aloha Director Lopez,

I am writing to comment on the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County. Maui Nui is unique from the rest of the state. We are the only county in the nation with four islands separated by water and we have many underserved rural areas, many with significant native Hawaiian population. We need an agreement that fits Maui, not the same agreement negotiated for the County of Honolulu in 2009.

As cable technology evolves from the delivery of entertainment and broadcast television channels, to a system that provides voice, internet and a variety of new services via broadband, it is important that the state take an active role in preserving and protecting the public "electronic commons" currently operating as Public, Education and Government (PEG) Access under the auspices of Akaku. Akaku is Maui County's only television media. We rely on Akaku to help us talk to one another and it deserves increased funding and full support.

The following are the minimum services I recommend the state require from the cable company in exchange for the use of public rights of way during the franchise term.

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Increase funding and capital support to Akaku with no restrictions on funds for internet and new media use.
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akaku regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public benefit use.
7. Provide fast, affordable internet for all.
8. Meet the Governor's goal of symmetrical gigabit internet by 2018
9. Free WiFi in public parks and designated areas
10. Provide Akaku 25 hours of Video On Demand

I also believe that Oceanic Time Warner should advertise affordable service to low income populations, activate unused fiber on the Institutional Network for public use and offer compensation for consolidation of the Lahaina and Kahului franchises.

Sincerely, *Charlotte F. Flamm*

Send to: Keali'i Lopez, Director
Department of Commerce and Consumer Affairs
P.O.Box 541
Honolulu, HI 06809
Or to: cabletv@dcca.hawaii.gov

RECEIVED

SEP 12 9:19 AM

DIRECTOR'S OFFICE
COMMERCE AND
CONSUMER AFFAIRS

FILED
SEP 12 10:51 AM
CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS



Ellen Levinsky
<ellenfeatherart@mac.com>
09/14/2012 01:06 PM

To DCCA <cabletv@dcca.hawaii.gov>
cc
bcc

Subject testimony-Oceanic Time Warner contract

To-DCCA:

I live on Maui and attended the Aug. 28, 2012 meeting at the West Maui Senior Center. I gave verbal testimony; here is my written testimony.

One thing I would like to add to my verbal testimony-I have recently heard thru the news media that Oceanic Time Warner is out sourcing to other countries many jobs currently held by Hawaii residents; as well as outsourcing jobs in other states. Part of the current economic problem, in the U.S., in the past 5 years is the increasing unemployment rate in this country much of which is caused by large corporations out sourcing jobs to other countries. Here is another reason not to give OTW a 20 year contract in Hawaii: unless they are mandated to continue to employ their job force in Hawaii that they've had in the past few years.

I appreciated the DCCA coming to Maui and to Lahaina, where I live, to hear testimony on the future of public access on Maui of cable TV with OTW. At the DCCA hearings in 2009 at Maui Community College I was not able to testify at that limited to 2 hours session-I was there but time ran out before it was my turn to testify. Much better that you came to 3 different locations this time giving Maui residents more opportunity to speak.

I myself have had internet access and cable with OTW for a few years. I had the basic cable for \$11. a month. Then I wanted to upgrade to view more stations-the next package available increased my bill by \$50; it has over 100 channels-most that I don't want to view such as the shopping, jewelry TV, or playboy interactive channels. I wanted to add about 10 more channels for a reasonable fee-not available. What happened to one fee for cable as it was years ago? I've heard that the cost to OTW is approximately 1 cent per channel but they charge approximately \$1. per channel. Too much profit there. They should also provide fast, affordable internet service. Has the DCCA received many complaints about OTW's internet service and fees?

The air waves are public property yet OTW makes a huge profit from them! They are asking for a 20 year contract to continue their monopoly in Hawaii. In my opinion, there should be several mandatory items included in the contract, as well as safe guards to guarantee they adhere to the items. One item should be to guarantee support (financial and other) for AKAKU and the other public access stations in Hawaii that currently receive support from the state mandated % from cable fees.

I have been involved with AKAKU for about 7 years. I admire and respect them; AKAKU provides invaluable information to the Maui community thru their many services and programs. I support Jay April and his testimony. I think it is very important for the written contract to include funding for AKAKU for ALL the 20 years of the contract, (if it is to be approved for 20 years-consider a 10 year contract) to enable the public access channels to grow and function with the evolution of technology. Right now, in Hawaii, 3% of the gross revenue of OTW goes to PEG and 1% goes to PBS. These percents should be increased-not only to keep up with the rising costs of electricity, supplies, upgrading equipment, employee salaries but to be comparable with other states in this country. I support increasing it to 10% for PEG; and it should increase in increments to correspond with increased costs of living/doing business. OTW made over \$100. million profit on Oahu last year, an increase will not hurt their profits much. Some schools on Maui don't have digital access but they should-the E in PEG is education and that is not just college education. I also have had concerns that the college is not required to submit annual reports of how they spend the PEG money. I've had friends who took video classes at the college complain about very high fees and very limited access (outside of class) to use the studio and equipment. I think ALL groups receiving PEG money should be required to submit annual reports of how that money was spent.

I agree with the Governor's proposal that by 2018 we have internet

gigabyte speed that is both up and down.

I believe in electronic democracy. The public access cable channels should stay as they are, not get moved around so all of a sudden we can't find them. For example, DOE and UH stations were changed from basic cable stations to higher number stations that required a higher priced cable plan to view them. Public access stations should remain on the analog channels they are on and ALSO be on the digital band. They should be on good, clear channels that are viewed immediately.

Please preserve quality community access-it is so important to have a written contract for AKAKU (and the other island public access stations) and OTW that contains oversight and consequences for not following terms of the contract. OTW is a cable company, but if they start calling themselves an internet company because they also provide internet services then what? Will they then try to cut public access funding? This situation should be considered when the contract is written.

It is important to have a contract that states OTW must treat AKAKU (and other stations) like all of the other channels. Also, AKAKU should have an HD signal-they have HD cameras so this makes sense. I request they get 25 hours a month for video on demand like New York public access has. Also to have 10% of the spectrum. They should be treated equally to the other commercial stations in regards to viewing quality. Maui, and the other islands, should have faster and more affordable internet cable. Services to AKAKU must be equal to the other islands. Give Maui the best deal that any other business has with OTW. These are reasonable requests.

Again, thank you for allowing me to give you this testimony.

Aloha, Ellen Levinsky



RM <rmmale55@gmail.com>

09/14/2012 03:55 PM

To cabletv@dcca.hawaii.gov

cc

bcc

Subject Oceanic Time Warner cable franchise agreement

Aloha Director Lopez,

I have been a resident of Maui county for 34 years and would like to share my input on the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County. I am a carpenter by trade and a member of the Hawaii Carpenters Union Local 745 since 1987. My three children were born and raised here in Maui county. Their mom, who is a nurse, and I worked very hard and sacrificed a great deal to ensure that our children were properly educated, as that does not happen by default here in Hawaii.

Like many parents through out the state we were saddened when we realized that our children would not be returning home after they graduated college. They would not be returning home, not because they didn't love living in Maui county close to their family and friends, but because they, like so many of our young people today, realized that if they returned home to Maui to start their adult lives and families of their own, that their career opportunities would be severely limited.

It might not seem obvious at first, yet there is a direct connection between the manner in which the Oceanic Time Warner franchise renewal is handled and the education of our children and the potential career opportunities which may or may not become available to them as they enter the job market.

Our economy has changed a great deal since I first arrived on Maui in the late 1970's, and it is continuing to change at an ever quickening pace. If the efforts of our mayor and those of a great many Maui County citizens succeed, the number of high tech positions in Maui County will increase exponentially in the near future. The hope is that many of those jobs will be in film, video, and / or in other industries that produce content for the internet or other applications that we can not yet foresee.

Twenty years ago I could not imagine the internet becoming what it is today, nor could I have predicted iphones, ipads, itunes, broadband or even today's powerful laptops. We are blind to the technical possibilities of the future. I feel there is some folly in making such long term arrangements with a corporation that trades in technologies that will no doubt change radically in the next five years. There is no way to predict the face and form of communication technologies in the next two decades. It was my sincere hope that the franchise period would have been limited to five years.

Akaku, through it's youth out reach programs exposes children to media production and gives them an opportunity to create their own content to be seen on television. Full stop. If you think about it, that is actually a big deal. Not only do these types of Akaku out reach programs give children a hands on opportunity to learn to use media in an interactive way, which in itself has tremendous benefits, but perhaps the greater value is that the exposure inspires a sense of media awareness and self confidence and creates a platform upon which future media related education can be based. It is not at all a reach to say that children can be inspired by what they learn at training provided by Akaku in much the same way that children of my generation were inspired by the NASA's program to land on the moon.

To make the larger point, adults as well as children, especially older adults like my self can benefit tremendously from the improved media and computer skills gained from taking the classes Akaku offers to the public.

It is my opinion that Akaku, as Maui's only television station is vitally important for residents to

keep informed and aware of local events. It is more than just entertainment; Akaku provides a forum for local people to exchange information and ideas and to raise awareness and voice concerns about issues that matter to us.

Mr. Lopez, how the Oceanic Time Warner franchise renewal process is handled very much matters to the people of Maui County.

In the interest of education of our children and adults alike I recommend that educational programming such as can be found on channels including but not limited to the History 2 Channel and the Discovery Science Channel be required to be included in Time Warner Cable's most affordable services.

My other recommendations reflect those that the Maui community has been discussing and generally agrees upon to be the minimum requirements acceptable in exchange for allowing TWC use of publicly funded rights of way for their private corporate venture. My recommendations are as follows:

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Increase funding and capital support to Akaku with no restrictions on funds for internet and new media use.
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akaku regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public benefit use.
7. Provide fast, affordable internet for all.
8. Meet the Governor's goal of symmetrical gigabit internet by 2018
9. Free WiFi in public parks and designated areas
10. Provide Akaku 25 hours of Video On Demand

I also believe that Oceanic Time Warner should be required to provide affordable service to low income populations, activate unused fiber on the Institutional Network for public use and offer compensation for consolidation of the Lahaina and Kahului franchises.

Sincerely,

Robert Malerba

PO Box 880071

Pukalani, HI, 96788

rmmale55@gmail.com

---- Forwarded by Patti K Kodama/DCCA on 10/30/2012 10:30 AM ----

Douglas Beijer <akulikulihi@gmail.com>

10/27/2012 10:28 AM

To "catv@dcca.hawaii.gov" <catv@dcca.hawaii.gov>
cc Catherine Cluett <editor@themolokaidispatch.com>
Subject Oppose Oceanic Franchise Consolidation

To: Donn Yabusaki

The 15 August 2012 letter from Watanabe Ing requested the DCCA consolidate the renewal process for the Maui County and Lahaina franchises.

This should not be allowed because the statements in paragraph two of the letter ignore the fact the Lahaina franchise operates as a separate system, not part of the greater Maui county system. While upgrading the Maui County system, Oceanic has ignored the known problems of the Lahaina franchise. It has added customers (revenue) without adding capacity to serve the customers.

The Lahaina/West Maui franchise uses old wave.hicv.net servers and an inadequate microwave feed from Maui. We do not receive "substantially the same" service provided the Maui County franchise customers. The analog CATV looks like a 10th generation copy of a VHS tape. To consider Molokai and Lanai just a small part of a Maui County system would bury our systemic problems and complaints in the statistics of the much larger county wide system. Taken separately, the problems customers have with the Lahaina franchise service would clearly show Oceanic is not fit, willing and able to provide cable service

The focus in the Molokai DCCA meeting 27 August was CATV and public access but you mentioned internet service was also to be considered. More than half the comments from the floor were customer complaints related to the very poor internet service Oceanic provides.

The Lahaina franchise internet customers are stuck with WAVE service, rated at "up to" 5Mbps. Maui County franchise customers receive RoadRunner service, rated at "up to" 10Mbps. WAVE service on Molokai deteriorates to kilobit per second download speeds (often only 10% of rated "up to") in the evenings. The only similarity to the Maui County system is we are paying the full RoadRunner cost per month because Oceanic has a virtual monopoly on Molokai.

For more than a year, Oceanic Tech support has been telling me they know there is a bandwidth problem on Molokai. They even offered me a "special rate" of \$29.95/mo. in the hope I would shut up. Did they fix the problem? NO! They added revenue, making the problem worse. A large part of the west end was added to the system. All three Kawela Plantation subdivisions were added to the already inadequate system. Recently, Kalaupapa was added.

Oceanic delivers CATV, Internet and Phone over the franchise approved by the DCCA. Oceanic puts on their bills, "Three Great Services, One Bill". All of the services Oceanic provides must be considered in the franchise renewal.

Is Oceanic "fit, willing and able" to provide service? NO!

The Lahaina franchise is operated separately with unique servers and

infrastructure. It should be considered separately by the DCCA franchising authority.

The last two letters in your Department acronym stand for Consumer Affairs.

The consumers poorly served by the Oceanic Lahaina franchise are being ripped off. We have no alternative to the Lahaina franchise holder. Please stand on our behalf. If Oceanic will not provide credible service, deny the renewal and offer the franchise to a company that is "fit, willing and able" to provide service.

Cable Television/DCCA
Sent by: Patti K
Kodama/DCCA

08/13/2012 08:52 AM

To Donn A Yabusaki/DCCA@DCCA, Glen WY
Chock/DCCA@DCCA, Laureen K Wong/DCCA@DCCA,
Cathy L Takase/DCCA@DCCA

cc

bcc

Subject Fw: Molokai Meeting 27 August

History:  This message has been forwarded.

I'm forwarding to you all as I'm not sure if you folks got it.

patti

----- Forwarded by Patti K Kodama/DCCA on 08/13/2012 08:51 AM -----



Douglas Beijer
<akulikulihi@gmail.com>

08/10/2012 10:02 PM

To catv@dcca.hawaii.gov,

cc danny.mateo@mauicounty.us, "J. Kalani English"
<senenglish@capitol.hawaii.gov>,
repcarroll@capitol.hawaii.gov

Subject Molokai Meeting 27 August

I spoke with Catherine from The Dispatch today. She mentioned the Maui County Oceanic Cable renewal meeting on the 27th. I plan to attend. I, and I am sure other consumers on Molokai, would appreciate your addressing the following concern at the meeting.

I do realize the renewal is for cable TV but the infrastructure for TV also positions the licensee as an Internet Service Provider. For most on Molokai, Oceanic cable and dialup are our only choices for ISP. The internet service Oceanic provides Molokai is very poor. We often have kilobit download speeds in the evening. Oceanic says Wave Plus is "up to" 5Mbps but this is only available early morning when demand is very low. Since March 2011 we have been paying the same \$49.95 that took effect when Oceanic announced RoadRunner service would be upgraded to 10Mbps download speeds on the other islands.

You regulate a cable system. If separate infrastructure was used for CATV and ISP the argument that you cannot regulate Internet might have some validity. The same wire that carries CATV carries the providers Internet Service. You regulate the wire and therefore have authority to regulate how the wire is utilized.

The licensing and agreement language are not specifically dictated by the legislature. DCCA is charged with the duty and determines the process and language.

In my calls to Oceanic about the poor service, I've been told I could cancel if I did not like the service. They know I have no alternative so it is safe for them to take that stand. I think the State regulator should be protecting the consumer with the same enthusiasm. If Oceanic wants to operate, they do so under the terms established by the DCCA.

It seems a simple addition to the licensing agreement would offer the consumer the protection expected of the State department charged with regulating a monopoly provider. It would not require legislation as the agreement language is established by the DCCA. Oceanic, if they wish to operate, would then be bound by the terms of the agreement.

The simple addition to the licence agreement:

INTERNET: If the CATV Licensee elects to also provide Internet service utilizing the same system infrastructure, the following will apply:

Service Interruption:

A Service Interruption is defined as any time download and/or upload speed is less than 75% of the rated "up to" speeds for the type service. Service interruption is established by the effected customer and/or the provider's System Management personnel.

Service Interruption Credit:

A Service Interruption Credit equal to one-thirtieth of the monthly rate will be credited to the customer's account for each day of Service interruption declared "unavoidable" by the DCCA. Said declaration will be in the form of a DCCA Press Release.

A Service Interruption Credit equal to one-tenth [one-fifteenth OK] of the monthly rate will be credited to the customer's account for each day of Service interruption not declared "unavoidable" by the DCCA.

I look forward to your presentation on the 27th.

Thanks for your time.

Doug

Douglas Beijer

2560 Kamehameha V Hwy

Kaunakakai, HI 96748

(808) 553-8343 Voice/FAX



"MKK Chung"
<shop2@hawaiiintel.net>
09/04/2012 12:06 PM

To <cabletv@dcca.hawaii.gov>
cc
bcc
Subject comments on cable & T V & Akaku

To whom it may concern

Comments on Oceanic Time Warner cable TV service on Molokai:

1. Lack of consistency : During the last 6 months, we encountered frequent disruption on cable TV service
2. Lack of timely service : long wait on phone on hold for reporting disruptive service. When an agent does come on the phone, he or she systematically presses you to recall your cable pass words before rendering any assistance. Already in a frustrated & helpless state, we think that they should offer customer's immediate help first instead of this pass word nonsense. Why would anyone wait such a long time to talk with an agent for anything but a legitimate purpose?
3. part time office : After all these years, their office is still open just a few days per week with brief hours. Customers are conditioned to wait to exchange their cable box or any needed materials. Time Warner cable does not seem to be serious in their customer service efforts.
4. Slow adjustment or no adjustment :
Most of the time, most agents do not follow on their promises for adjustments. Most often , you had to follow up with the main office for your credit adjustment. If you don't, you won't get the true credits. They would short change you on a regular basis.

One good thing is the field technicians. They are courteous, helpful and skillful.

Comments on Akaku

1. Akaku programs are unedited and uncensored. It gives the audience the actual and true form of each presentation
2. They are unique because they cover government and civic meetings . Thus, citizens benefit by these government transparency and bringing our government and our community closer.
3. Akaku 's programs are educational and void of commercialism.
4. Akaku is valuable. They are cost effective , they are free speech practitioners.
5. Akaku ought to be seriously supported and encouraged by DCCA.
6. DCCA ought to provide Akaku with stability and positive guidance to allow Akaku to develop their long term plan with confidence.
7. DCCA proposal of putting Akaku services up for bidding is unwise management.

The Chung family



"Anthony Kaauamo Pacheco"
<anthony@akaku.org>
09/14/2012 05:11 PM

To cabletv@dcca.hawaii.gov
cc
bcc

Subject Franchise Renewal

Dear DCCA,

My name is Anthony Kaauamo Pacheco. I am the Director of Lanai's Media Center for Akaku: Maui Community Television. I started this position with Akaku in Summer 2011. Of the 3 populated islands of Maui County, Lanai is the most underserved.

Within a year, Lanaians have benefited from Akaku's presence. The community has been able to reach out to wider Maui County about the wind farm issue and the recent sale of the island to Oracle CEO, Larry Ellison.

The services Akaku provides for our community is vital for our voice to be heard. Lanai High & Elementary School in particular has benefitted the most. I supplement the high school's media class with film production lessons. In this high tech society it is more important than ever to learn how to effectively communicate within the motion picture medium.

Students who have never edited footage or shot with a video camera before learn the basic skills and more. The purpose of the class is to also encourage the students to think outside of the box.

My hope is for Akaku to continue and thrive. There is so much good public work being done here, it would really be a shame to see that slip away.

Mahalo so much for your time,
Anthony

--
Anthony Kaauamo Pacheco
Akaku Lanai Media Center Director
P.O. Box 631203, Lanai City, HI 96763
Office Phone: 808.565.7252

"Empowering your voice through access to media"



SAMPLE LETTER

Aloha Director Lopez,

I am writing to comment on the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County. Maui Nui is unique from the rest of the state. We are the only county in the nation with four islands separated by water and we have many underserved rural areas, many with significant native Hawaiian population. We need an agreement that fits Maui, not the same agreement negotiated for the County of Honolulu in 2009.

As cable technology evolves from the delivery of entertainment and broadcast television channels, to a system that provides voice, internet and a variety of new services via broadband, it is important that the state take an active role in preserving and protecting the public "electronic commons" currently operating as Public, Education and Government (PEG) Access under the auspices of Akaku. Akaku is Maui County's only television media. We rely on Akaku to help us talk to one another and it deserves increased funding and full support.

The following are the minimum services I recommend the state require from the cable company in exchange for the use of public rights of way during the franchise term.

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Increase funding and capital support to Akaku with no restrictions on funds for internet and new media use.
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akaku regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public benefit use.
7. Provide fast, affordable internet for all.
8. Meet the Governor's goal of symmetrical gigabit internet by 2018
9. Free WiFi in public parks and designated areas
10. Provide Akaku 25 hours of Video On Demand

I also believe that Oceanic Time Warner should advertise affordable service to low income populations, activate unused fiber on the Institutional Network for public use and offer compensation for consolidation of the Lahaina and Kahului franchises.

Sincerely,

(YOUR NAME & ADDRESS HERE)

Send to: Keali'i Lopez, Director
 Department of Commerce and Consumer Affairs
 P.O.Box 541
 Honolulu, HI 96809

Or to: cabletv@dcca.hawaii.gov

For more talking points and detailed information [Click Here](#).
 Fill out the surveys (attachments below) and sign and return them to the DCCA by Sept. 14, 2012



WATCH AKAKU 53 LIVE



AKAKU NEWS ARCHIVE

- August 2012 (2)
- June 2012 (5)
- May 2012 (5)
- April 2012 (4)
- March 2012 (10)
- February 2012 (4)
- December 2011 (4)
- November 2011 (7)
- October 2011 (2)
- September 2011 (3)
- August 2011 (1)
- July 2011 (8)



"Joy Brann"
<jbrann@hawaiiantel.net>
08/24/2012 02:37 PM

To <cabletv@dcca.hawaii.gov>
cc <jay@akaku.org>
bcc
Subject FW: public testimony on renewal of oceanic time warner
cable TV franchise renewal

TO: Hawaii Department of Commerce and Consumer Affairs, Cable Television Division
(DCCA-CATV)
P.O. Box 541
Honolulu, HI 96809

FROM: Joy Brann
18 Kai Makani Loop #201
Kihei HI 96753

August 24, 2012

**PUBLIC TESTIMONY ON RENEWAL OF OCEANIC TIME WARNER CABLE'S MAUI
COUNTY CABLE TELEVISION FRANCHISES, August 27, 28, 29, 2012**

First, the DCCA website pdf files of surveys to invite public comment are posted in a format that discourages participation. Requiring people to print and fill out, and email, fax or mail a survey discriminates against those unable to do so and stifles public comment.

Making surveys electronically fillable to submit in an efficient way is common practice. Therefore, I expect the DCCA, who is responsible for representing the public, will reformat the surveys and extend the time period for submission in order to honor the public's right to comment and voice their views on this important topic.

Second, Oceanic Time Warner Cable continues to deny the public right to free access to important news and information channels by removing access to the many CSPAN channels from basic cable customers. This is the only source of direct unbiased news and accurate information and must remain accessible to all of the public. Ideally, all CSPAN channels should be available without any additional costs to all residents, as well as to any and all Oceanic subscribers. All residents should always and forever have access to all CSPAN channels at all times, without prejudice. Oceanic has no right to remove these channels and discriminate against those who, for whatever reasons, do not pay additional charges for digital services. This access should not be limited to just one year or any limited time period, as Oceanic claims, but continuous access should always and forever be available without prejudice and without additional charges to all basic cable subscribers.

Our public airways have been overly dominated by private interests at public expense. News and information that educates and benefits public intelligence, health and well-being is stifled and silenced. The money that controls corporate media uses predatory marketing to educate consumers to be unhealthy and addicted, ignorant and hostile, and is inciting a civil war in our civic discourse. Government, as representative of ALL of Hawaii, is responsible for representing public interests. The DCCA has an obligation to respect and provide for the public's right to direct sources of news, honest information and diverse points of view.

Third, other important news and information channels of communication, such as AKAKU, Maui's community access television stations, and competitive broadband internet access, must remain within the public domain and within the public's power and right to access and to strengthen, so that local programming and communication meets the unique and specific needs

of our community, as described here below:

MAUI COUNTY NEEDS AN AGREEMENT THAT FITS MAUI

1. Maui County is singularly unique. It is the only county in the United States separated by water. Made up of four islands, Maui County has a significant concentration of Native Hawaiian population and some of the most rural and underserved areas in the nation when it comes to access to broadband and television media. Akaku is Maui County's only electronic public media resource. These important characteristics position Maui County as deserving of a comprehensive cable franchise agreement that fits its needs and guarantees a sustainable community media future for all its residents.

EQUAL RIGHTS FOR COMMUNITY MEDIA

2. Akaku's PEG channels must be carried in the same format and with the same signal quality as all local "must carry" commercial channels. This will require guaranteed channel placement on all service tiers with no diminishment of dedicated public electronic spectrum without the consent of Akaku and the DCCA.
3. No cable company restraints on Akaku's use of cable fees to provide content on cable TV, internet, digital devices or any other media platform currently in use or yet to be invented.
4. Oceanic Time Warner must provide PEG services to Akaku and Maui County that are the same or better than the PEG services it provides to any other jurisdiction for the duration of the franchise.

SUSTAINABLE FUNDING FOR THE FUTURE

5. Akaku will require adequate funding of not less than 3% of franchise fees from cable gross revenue and a reasonable capital contribution from the cable company, with annual increases for the duration of the franchise term. Funding should be contractual for the term of the franchise notwithstanding changes in state or federal legislation.

NO DIGITAL DIVIDE - BROADBAND AND INTERNET SERVICE FOR ALL

6. Oceanic Time Warner Cable must provide fast, affordable, ubiquitous and accessible broadband which will achieve speeds of 1 gigabit symmetrical service by 2018 for all Maui County subscribers. Oceanic must also provide free WiFi in all county parks and recreation areas.
7. To support economic development and education, Oceanic Time Warner must provide live upstream transmission capability and high speed broadband service to designated Community Anchor Institutions, public and private schools, government buildings, hospitals, libraries, community centers, community media centers, non-profit agencies, Akaku and public parks.

MAHALO FOR YOUR CONSIDERATION!

RENEWAL OF OCEANIC TIME WARNER CABLE'S MAUI COUNTY CABLE TELEVISION FRANCHISES DATE: August 27, 28, 29, 2012

("CATV") is currently in the process of renewing Time Warner Entertainment Company, L.P., doing business as Oceanic Time Warner Cable's ("Oceanic") Maui County and Lahaina/West Maui cable television franchises. As part of the renewal process, DCCA is holding community meetings to obtain the public's general input and comments on how you or your organization may be able to benefit from services provided by Oceanic and its cable television system on Maui County, and to obtain feedback on the services currently being provided by Akaku: Maui Community Television.

These community meetings are part of the ascertainment of community needs and interests for Oceanic's cable television service. Your participation, as an individual or representative of a community organization, will assist DCCA in determining what it should consider in the renewal process.

At the community meetings, information will be provided on the cable television franchising process. All interested persons will be afforded the opportunity to submit their comments, both orally and in writing, at the time of the community meeting and will be asked to fill out a brief questionnaire to help identify cable-related community needs and interests on Hawaii. Following the meetings, written comments may also be submitted to DCCA no later than September 14, 2012 via the following:

- E-mail to cabletv@dcca.hawaii.gov
- Fax: (808) 586-2625
- U.S. Mail to: DCCA-CATV
P.O. Box 541
Honolulu, HI 96809

Exhibit B
Summary of All Letters to DCCA

- **State Legislators**
- **PEG Executive Directors**
- **Maui County Council**
- **Maui College**
- **Maui Residents**
- **Molokai Residents**
- **Lanai Residents**

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
State Legislators		
*Senator Rosalyn Baker	Dist.5, State Senate	Supports: renewal with conditions; community media as envisioned by Akaku; state-of-the art cable service; fast, affordable Internet for all; accountability and performance standards in franchise
*Representative George Fonatine	Dist. 11, State House	Supports Akaku and community media; availability of digital service for all
PEG Executive Directors		
*Jay April, President & CEO	Akaku	Uniqueness of Maui calls for unique franchise; supports community media as “electronic commons” regardless of technology; encourages negotiation of benefits comparable to NYC and Portland. Sets forth 4 principles: 1) Equal right for community media; 2) Sustainable funding for the future; 3) No digital divide; 4) DCCA must negotiate for community media, public spectrum use, and broadband internet. Lists 27 specific items to pursue in the franchise, involving the quality, format, spectrum requirements, and accessibility of PEG channels and programming; TW promotional spots for Akaku services; capital and operating funding needs; support needed during technological transition; availability of Internet service generally and for community purposes; and the enforceability of franchise provisions.
J.S. Robertson, Managing Director	Ho’ike	Supports: PEG access on all tiers of service, full 3% of company gross revenues for PEG; provide free high-speed community broadband in PEG provisions;
Roy Amemiya, President & CEO	Olelo	Supports continuing expansion of high quality PEG service on Maui; appreciates Akaku’s use of technology for providing information, integration of digital media with student learning.
Donna Dunham, GM	Na Leo	Supports Akaku and community media; appreciates Akaku YBEAM youth program, news programming, other efforts
Maui County Council		
*Gladys C. Baisa, Council Member	Maui County Council	Uniqueness of Maui calls for unique franchise; supports community media as “electronic commons” regardless of technology; encourages negotiation of benefits comparable to NYC and Portland. Sets forth 4 principles: 1) Equal right for community media; 2) Sustainable funding for the future; 3) No digital divide; 4) DCCA must negotiate for community media, public spectrum use, and broadband internet. Lists 27 specific items to pursue in the franchise, involving the quality, format, spectrum requirements, and accessibility of PEG channels and programming; TW promotional spots for Akaku services; capital and operating funding needs; support needed during technological transition; availability of Internet service generally and for community purposes; and the enforceability of franchise provisions.
*Elle Cochran, Council Member	Maui County Council	Uniqueness of Maui calls for unique franchise; supports community media as “electronic commons” regardless of technology. Sets forth 3 principles: 1) Equal right for community media; 2) Sustainable

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
		funding for the future; 3) No digital divide. Lists 27 specific items to pursue in the franchise, involving the quality, format, spectrum requirements, and accessibility of PEG channels and programming; TW promotional spots for Akaku services; capital and operating funding needs; support needed during technological transition; availability of Internet service generally and for community purposes; and the enforceability of franchise provisions.
*Donald Couch, Council Member	Maui County Council	Uniqueness of Maui calls for unique franchise; supports community media as “electronic commons” regardless of technology. Lists 8 minimum services to negotiate for: <ol style="list-style-type: none"> 11. Cablecast Akaku channels with the same format and signal quality as local broadcast channels, including HD, and make them available on multiple tiers. 12. Maintain channel ID numbers and locations as agreed to by Akaku. 13. Increase funding and capital support to Akaku, with no restrictions on Internet and new media use. 14. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation. 15. Dedicate 10% of all bandwidth for public benefit use. 16. Provide fast, affordable Internet for all 17. Meet the Governor’s goal of symmetrical gigabit Internet by 2018 18. Provide Akaku 25 hours of Video on Demand
*Mike White, Council Member	Maui County Council	Provide connectivity to Hana, Molka’I and Iana’I for PEG Access purposes; provide two separate feeds from state legislature for Akaku; appreciates Akaku coverage of Council meetings
Maui Community Organizations		
*Jeremy Baldwin, President	Makawao Community Association Board of Directors	Uniqueness of Maui calls for unique franchise; supports community media as “electronic commons” regardless of technology. Lists 3 minimum services to negotiate for: <ol style="list-style-type: none"> 1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels, including HD, and make them available on multiple tiers. 2. Maintain channel ID numbers and locations as agreed to by Akaku. 3. Increase funding and capital support to Akaku, with no restrictions on Internet and new media use.
*John L. Villiarimo, Member, Bd. Of	Hana Youth Center, Inc.	Supports Akaku; appreciates YBEAM program, and Akaku service in general

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
Directors		
*Jeanne Unamori Skog, President & CEO	Maui Economic Development Board, Inc.	For purposes of civic engagement and economic development, supports Akaku services, calls for increasing broadband and wi-fi capabilities on Maui. Asks for specific franchise items: carry PEG channels in same quality & format as commercial channels, provide free internet & wi-fi connections for public & certain other facilities, provide minimum 15 Mbps. Internet service, guarantee net-neutrality principles.
*Robert Alpert, Media Center Coordinator	Maui College	Recommends specific franchise requirements: Channel capacity for PEG, with quality equal to commercial channels, authority of DCCA over all services provided on cable, more channel capacity for digital and HD programming, 7-year franchise agreement, PEG programming availability for all subscribers
*Malia Cahill, E.D.	Maui Huliau Foundation	<p>Letter based on model provided by Akaku, with 10 minimum services recommended for franchise (subsequent substantially identical letters will be referred to only thus):</p> <ol style="list-style-type: none"> 1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels, including HD, and make them available on multiple tiers. 2. Maintain channel ID numbers and locations as agreed to by Akaku. 3. Increase funding and capital support to Akaku, with no restrictions on Internet and new media use 4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation. 5. Honor contract with DCCA and Akaku regardless of changes in federal or state law. 6. Dedicate 10% of all bandwidth for public benefit use. 7. Provide fast, affordable Internet for all 8. Meet the Governor's goal of symmetrical gigabit Internet by 2018 9. Free wi-fi in public parks and designated areas 10. Provide Akaku 25 hours of Video on Demand
*Mike Moran, VP	Kihei Community Association	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
*Cheryl Zarro, Board Member	South Maui Learning Ohana, Inc.	Cites critical role Akaku and its programs play in educational efforts in Maui; recommends collecting full 5% franchise fee from TW, and increasing Akaku funding
Maui College		
*Clyde Sakamoto,	UH Maui College	Cites reliance of UHMC on TW service for educational purposes. Recommends: allowing college to

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
Chancellor		provide services in digital format as well as analog; ensure reaching remote areas with disadvantaged populations, especially for health education and emergency communications; facilitate UHMC collaborations with TW in social, technological and economic development efforts. Specific requests: maintain current level of analog services; provide digital and HD channels for UHMC use; provide interconnect ion with other companies to reach remote and disadvantaged areas
*Debasis Bhattacharya, Vice Chancellor for IT	UH Maui College	Cites responsibility as provider of distance higher education, need for communications. Encourages collaboration with TW and PEG provider. Recommends specific franchise provisions: 2 digital channels for UHMC; maintain analog services; provide means for reaching remote and disadvantaged areas; develop digital technologies, including handheld; bring TW mainland experience to benefit Maui.
Maui Residents		
Joy Bran	Individual	Recommends: streamline public comment process; make CSpan and other information sources available with no charge; maintain Akaku services; supports 4 principles: 1) Equal right for community media; 2) Sustainable funding for the future; 3) No digital divide; 4) DCCA must negotiate for community media, public spectrum use, and broadband internet.
*Joy Bran	Individual	Make CSpan and other information sources available with no charge, to avoid economic discrimination
*Gene Zarro	Individual	Encourages strong negotiations; see franchise discussions as contract negotiations; guarantee funding for Akaku; put PEG channels on all tiers of service; support Jay April needs detail
Antonio Gimbernat	Individual	Have TW provide viewer statistics; guard against abuse of non-censorship of PEG programming; community programming undermines economics of commercial efforts at local production; appreciates being able to use Akaku facilities
Antonio Gimbernat	Individual	Complains of being unable to market original screenplay
Antonio Gimbernat	Individual	Complains of alleged excess revenue of TW
Antonio Gimbernat	Individual	Proposes amendment to Telecommunications Act of 1934, to require TW to pay additional 5% of revenues to County of Maui Film Office
Diane Countryman	Individual	Complains of problems with DVR (is currently on 5 th DVR, and problems continue)
Jason Schwartz	Individual	Has produced 500 shows over 19 years; appreciates Akaku; sees audience appreciation for his shows
John Sprinzel	Individual	Appreciates convenience and reasonable price of TW information service
Denise Smith	Individual	Wants ascertainment meeting in Hana; TW service very poor in Hana—slow internet speeds, 3-day waits for repair service, one day per week of working service
Susan Douglas	Individual	Supports better, faster, more affordable internet; supports Akaku, robust community media in Maui County, including funding
Mark Goldberg	Individual	He and family of six support Akaku for educational programming
*Antonio Devebec	Individual	Appreciates Akaku services for information on local events, County Council and other government meetings; encourages better system for locating TW channels in channel lineup.

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
Mark Sheehan	Individual	Supports Akaku and community programming; encourages funding Akaku; also, increase speed and availability of Internet service
*Alisha Jones	Individual	Appreciates Akaku and YBEAM program; encourages support for youth programs
Tina Lia	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Diane Fulton	Individual	Recommends protecting Akaku over term of franchise; complains of losing Akaku channels after channel package change; recommends best nationally available Internet service throughout the County; maintain franchise requirements regardless of changes in state or federal law.
Patricia Stillwel	Individual	Supports expanding PEG access, and Internet service on Maui
Noel Ching Johnson	Individual	Unique situation of Maui requires unique franchise. Supports Akaku and community programming; increased funding, HD channels, 10% of bandwidth for Akaku; faster internet speed throughout county
*Stuart Hirotsu	Individual	Appreciates professionalism at Akaku. Supports requiring cablecast of Akaku channels at same quality and format as commercial channels, including HD and stereo audio; maintaining PEG channel ID; increasing Akaku funding; dedicating 10% of TW bandwidth to Akaku; providing 25 hours of VOD for Akaku
Peter C. King	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Harian Hughes	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
M. Polenti	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Tom Blackburn-Rodriquez	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Captain Thomas Woolf	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Ch??	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
*Charlotte F. Flavia	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Krystle Marcellus	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
M.J Duberstein	Individual	Supports: PEG Access and broadband services equal to any in the country; linking support for PEG to TW gross revenues; controlling TW changes in channels (prevent disappearing PEG channels); directing all available franchise fees to Akaku, rather than DOE or UH; reconsidering funding of HPR; creating competition for TW
Teresa Cartwright	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Wanda Moore	Individual	Supports HD quality and increased internet speed for Akaku and Maui County as a whole. Argues these services increasingly important for entertainment, education, commerce.
Rick Hanson	Individual	Unique situation of Maui requires unique franchise. Supports Akaku and community programming; format & quality of PEG channels equal to commercial channels, on multiple tiers; maintaining PEG channel ID; increased funding for Akaku; benefits equal to any TW system in nation; honoring contract

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
		with DCCA and Akaku regardless of any change in federal or state law
Alberto Rojas	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Stephen Luksic	Individual	Supports: 20-year contract for Akaku, regardless of technology changes; PEG channels on multiple tiers; VOD, >50Mbps internet access and support for Akaku ; stability of PEG channels; assistance in developing local content from TW; increasing support for PEG
*Ellen Levinsky	Individual	Complains of TW outsourcing jobs, high price for cable service. Supports Akaku and Jay April testimony re Akaku funding increase (10% of TW gross revenues) for 20 years; reach Governor’s goal of 1 gigabit broadband by 2018; keep PEG channels stable and accessible; oversight to ensure TW performance on franchise; 10% of bandwidth for Akaku; 25 hours of VOD for Akaku; PEG channel quality and format equal to commercial channels, including HD; fast, affordable Internet for all.
Mark Tracy	Individual	Supports Akaku as “town commons”, for government meeting coverage, news programming. Decries loss of CSpan, scarcity of good programming, high prices.
Louis J. DiLiberto	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Suki Halevi	Individual	Points out magnitude of TW gross revenues, money sent to parent affiliates; urges strong support for PEG access—funding, outreach to more events, additional channel capacity, HD and VOD, live feeds from remote loctions, free wi-fi in public parks, broadband in community centers, libraries and underserved areas. Recommends fast, affordable internet everywhere in Maui. Supports 3 principles: : 1) Equal right for community media; 2) Sustatinable funding for the future; 3) No digital divide. Encourages DCCA to negotiate for community media, public spectrum use, and broadband internet.
*Robert Malerba	Individual	Appreciates Akaku and observes rapidity of technological change. Recommends educational programming (e.g., History Channel, Discovery Science Channel) be put on basic tier. Includes letter based on model provided by Akaku, with 10 minimum services recommended for franchise
John Naylor	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
Lance Holter	Individual	Letter based on model provided by Akaku, with 10 minimum services recommended for franchise
<i>Molokai Residents</i>		
*Douglas Beijer	Individual	Complains of slow, intermittent TW Internet service on Molokai (Wave), and unresponsive TW customer service. Provides language for proposed addition to franchise agreement which would be a basis for regulating Internet speed and reliability.
Douglas Beijer	Individual	Describes slow, unreliable Internet service on Molokai. Provides speed test and router logs showing low speeds (sometimes less than .5 Mbps) and outages over several months. Complains that Wave service is priced unfairly
*Douglas Beijer	Individual	Complains of poor and unfairly priced internet service on Molokai. Urges rejection of request to consolidate franchises, which could obscure problems in local areas. TW described as unfit to provide service

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
Douglas Beijer	Individual	Argues that Wave service can be provided at a higher level without hardship to TW because it requires no fee for using national brand name like Roadrunner
Douglas Beijer	Individual	Provides record of speed tests of Wave service for three evening times, showing speeds just over 2Mbps
Douglas Beijer	Individual	Complains of poor cable and internet service. Documents with speed test data over six months, showing very low download and upload speeds
Douglas Beijer	Individual	Describes TW as unfit to provide service because of poor Internet service. Provides speed test data over several months, showing slow speeds (often less than 1Mbps)
Paul and Janet Mullin	Individual	Complains that Akaku and other programming does not reach all areas of Molokai, particularly the West end. Urges TW be required to extend service
Carol Hinton	Individual	Appreciates Akaku as free speech outlet; urges requirements for better quality, faster, more affordable internet on Molokai
Daniel Emhof	Individual	Appreciates Akaku as critical community resource. Complains of TW's support for PEG; supports HD for PEG, better accessibility of PEG channels; collecting full 5% franchise fees and increasing PEG funding;
Jodi Kaniakua	Individual	Appreciates Akaku as critical community information resource. Urges increased funding for Akaku.
P.F. Bentley	Individual	Asserts need for increased funding and staffing of Akaku on Molokai, as well as better equipment, for the organization to fulfill its mission. Complains Wave Internet service delivers only half what is promised—like a pair of pants with only one leg.
*M.K.K. Chung	Individual	Comments on TW service: inconsistent,, with frequent outages; long waits for phone response, and barriers to access to customer service representatives; inadequate office hours; slow or non-existent credit adjustments. Also comments on Akaku, appreciating: uncensored programming; coverage of govt. and civic meetings; educational content and no commercials; cost-effective programming; free speech avenue. Recommends supporting Akaku over long term. Rejects idea of putting PEG services out to bid.
Gaellen Quinn	Individual	Reports slow Internet speed on Molokai, with speed test record provided. Claims speed does not qualify as high-speed Internet service under FCC standards
Michael C. Nichols	Individual	Reports speed test on Molokai internet service, showing download speed of just over 2 Mbps; Cites FCC standard of 4 Mbps to show Molokai would not qualify as “served.”
Michael C. Nichols	Individual	Provides additional speed test result on East Molokai showing low upload speed
Michael C. Nichols	Individual	Provides additional speed test result on East Molokai showing download speed of 2.17 Mbps, upload speed of .10 Mbps
Michael C. Nichols	Individual	Provides additional speed test result on East Molokai showing download speed of 4.10 Mbps, upload speed of .21 Mbps

Name (*=letter also included in full above)	Organization (or Individual)	Summary Identification of Needs/Interests
Les and Helen Wiley	Individual	Complains of poor Internet service on Molokai. Says it is slower than many third-world countries. Shows speed test results indicating 2.12 Mbps download speed, .18 Mbps.upload speed. Complains also of internet outages. Complains of poor cable service: no availability of HD service despite having HD television set. Recommends TW be required to provide same level of service to all Maui County customers; also, review franchise periodically to ensure currency with available technology
Barbara Haliniak	Individual	Supports continuation of PEG programming, Akaku, especially meeting coverage, election coverage, community event coverage. Supports increased funding for Akaku
<i>Lanai Residents</i>		
*Anthony Kaauamo Pacheco	Individual	Supports Akaku's satellite operation on Lanai, especially for covering local issues like wind farms and the recent sale of the island, and also Akaku's service to Lanai high school and elementary school. Urges continuation of support for work of Akaku.