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PROTECTION, AND AFFORDABLE HOUSING

THE TWENTY-FOURTH LEGISLATURE
Regular Session of 2008

February 26, 2008
9:00 a.m.

**TESTIMONY ON S.B. No. 1789, S.D. 1 - RELATING TO CABLE TELEVISION
SYSTEMS.**

TO THE HONORABLE RUSSELL S. KOKUBUN, CHAIR AND MEMBERS OF THE
COMMITTEE:

My name is Clyde Sonobe, Cable Television Administrator of the Department of
Commerce and Consumer Affairs ("Department"). The Department does not oppose
the intent of this bill to exempt the selection or designation of public, educational, and
governmental ("PEG") access organizations from the State's Procurement Code in
Hawaii Revised Statutes ("HRS") chapter 103D, but has comments and questions on
the bill.

I. Background

By way of background, for many years the Department has had existing
contracts with four (4) PEG access organizations to manage and operate (among other
things) the PEG access channels, to provide training for video production, and to
cablecast programs created and submitted by producers and members of the public.
PEG contracts were revised in the late 1990's to clarify the termination provisions. The

current PEG access organizations are: Olelo on Oahu, Akaku on Maui, Na Leo on the Big Island, and Hoike on Kauai. The PEG access organizations are funded primarily from fees from local cable operators paid by cable subscribers pursuant to the Department's cable television franchise orders.

In late 2005, the Department was advised that its contracts with the PEG access organizations were subject to the requirements of the Code in HRS chapter 103D. The Department then sought an exemption from HRS chapter 103D from the State Procurement Office ("SPO"). SPO declined granting an exemption, and determined that these contracts should be awarded in accordance with the Code. The Department worked cooperatively and expeditiously with the SPO and the Department of the Attorney General to develop a request for proposal ("RFP") for PEG access services which was issued on July 30, 2007.

However, protests were filed against the RFP, and the RFP has been stayed since then. Akaku then filed lawsuits on Maui against the Department, and alleged in one lawsuit that (among other things) the use of the Code to designate PEG access organizations is a "rule" under HRS chapter 91. On October 4, 2007, the Honorable Joel August determined that the method and criteria to select or designate PEG access organizations need to be specified in an administrative rule. Since this determination, the Department has been going through the rulemaking process to promulgate a rule which specifically states that the Department will follow the applicable provisions of the Code when selecting or designating PEG access organizations.

II. Department's Position on the Bill

Although the proposed rule specifies the Code as the method to select or designate PEG access organizations, the Department does not oppose the intent of this bill because we previously requested an exemption from the Code for its PEG access services contracts.

III. Comments and Questions

However, the Department has comments and questions on the bill because Senate Standing Committee Report ("SSCR") No. 2382 states that:

"Your Committee finds that while an open bid process promotes the public interest generally, in this instance of selecting a PEG organization, open competition would be detrimental to the public. Much of the quality of PEG depends upon the perception and sensitivity of the provider to the needs and wants of the community. The unquantifiable intangibles of social impact would be negated in an open competition bid process, resulting in rural districts being adversely affected." (Emphasis added)

The Department has received comments and heard criticism similar to those reflected in this SSCR since it first went out to the public on the question of whether the Department should seek an exemption from HRS chapter 103D for the PEG access services contracts. Certain members of the public and the PEG access organizations oppose the RFP and procurement process because they believe that the Department is attempting to eliminate the current PEG access organizations. Others believed, and argued with equal fervor, that the Department was party to a conspiracy to ensure the continued operation of the existing PEG access organizations by its practice of the direct and continuous renewal of the contracts to the current PEG access organizations without ever opening the process to competitive bidding.

Respectfully, we believe that the extremes on both sides of this overheated debate are wrong. While the Department's actions (historically renewing the contracts

directly and requesting an exemption from SPO) have recognized the unique nature of PEG services, our only interest at the current time and as reflected in our proposed rule is to comply with the law. SPO is the agency charged with interpreting the procurement law, and the Department will follow SPO's guidance on its application.

If the Legislature concludes that competition for these services is detrimental to the public, the Department defers to that conclusion. If the Legislature wishes to preclude the Department from publicly procuring the PEG contracts, though, it needs to do more than exempt PEG contracts from chapter 103D in light of the Department's continued obligation to award PEG contracts via *some* methodology. As it stands, and even if this bill passes in its current form, the Department would be obligated to consider adopting a chapter 103D-like procedure to award the PEG contracts. If this is not consistent with the Legislature's intent, we need to know that.

We also need guidance as to how we should then select or designate PEG access organizations in light of the statements in SSCR 2383. Specifically, the Department would like guidance on the following questions:

1. If the PEG access services contracts are exempt from the Code, can the Department utilize a process that fosters or results in competition to select or designate PEG access organizations?
 - a. If so, what should that process be?
 - b. Can the process include some of the procedures specified in the Code, or does the Department need to come up with totally new procedures?

2. If the Legislature does not want the Department to utilize a process that fosters or results in competition, how should the Department select or designate PEG access organizations?
 - a. Can the Department simply award the contracts to any entity it chooses directly?
 - b. Does the Department have to advertise the PEG access services contracts at all? May the Department advertise the PEG access services contracts?
3. Is it the Legislature's intent that the current PEG access organizations have perpetual or lifetime contracts?
 - a. If something results in an access organization being no longer capable of providing the required services under the lifetime contract, what happens then?
 - b. What happens if an access organization breaches the contractual requirements or misuses the funds collected from subscribers and given to it pursuant to the Department's cable television franchise orders, etc.? If the contracts are perpetual, then what recourse would the Department have if such events occur?

Answers to these questions will help the Department comply with both the Legislature's intent and Judge August's determination, and address the public's criticism of the manner in which PEG access services contracts are awarded.

Finally, the Department would like to point out a technical clarification that the term "PEG" in new paragraph (a) on page 1 of the bill is usually defined as "public, educational, and governmental".

Thank you for the opportunity to provide written testimony on this measure.

LINDA LINGLE
GOVERNOR

AARON S. FUJIOKA
ADMINISTRATOR



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WRITTEN COMMENTS
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AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
SENATE COMMITTEE
ON
COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

February 26, 2008

SB 1789, SD 1

RELATING TO CABLE TELEVISION SYSTEMS.

Chair Kokubun, Vice Chair Ige and committee members, thank you for the opportunity to testify on SB 1789, SD 1. The State Procurement Office (SPO) does not support the proposed language to chapter 440G, to exempt access organizations from chapter 103D, the Hawaii Public Procurement Code (Code).

Federal law authorizes the DCCA Cable Television Division, as the "Local Franchise Authority," at DCCA's discretion, may implement access services in the State. DCCA opted to do so, and entered into contracts with the access organizations. The current contracts between DCCA and the access organizations require the organizations to provide services such as assisting the public with training and equipment to create programs and then telecasting the programs, and managing and operating the access channels. SPO has consulted with the DCCA Cable Television Division and understand its' view is that these contracts with access organizations are management service type contracts where various individuals or organizations could satisfy the contract requirements, that is, manage and operate the access channels. These management services can and should be competed to allow any qualified organization the opportunity to provide similar or enhanced services to the public.

The Hawaii Legislature passed the Hawaii Public Procurement Code to provide an open and transparent process whereby the public can see for itself that there is no favoritism, no cronyism, and no back room deals in the expenditure of their funds, the public's funds, for the public's services. Arguably, it could be cheaper to just go out and negotiate contracts with anyone. But that could create suspicion on the part of the public as to how the contractors were selected; were the contractors related to or friends of those who awarded State contracts? In response to these concerns, the Code advocates open competition to obtain the best value for the State. One could look at the incumbent access organizations as having had a monopoly. Inquiries have been made with the SPO by other organizations that have expressed interest in their desire to compete for these contracts. And so let's open the process, allow others to submit proposals, and if the incumbents are selected, then at least the State knows that they are the best value. We wouldn't know without going through the process. Under such circumstances, how could we not go through the process?

The access services contracts are agreements between the DCCA, a governmental body, and access organizations that are private, non-profit corporations. Under these contracts, DCCA is acquiring services to manage and operate the access channels. Therefore, the access contracts are "procurement contracts" under HRS §103D-102. We understand that DCCA seeks to continue providing access services through a contractual relationship.

Open procurement procedures assure that the State obtains value, and potential vendors/contractors are treated fairly and that no preferential treatment is provided. It is vital to good government to have a fair and consistent process to award government contracts that hold agencies responsible and accountable for their actions. Open bidding promotes the fair and equitable treatment of all persons who deal with the procurement system, fosters effective broad-based competition; and by doing so, increases public confidence in public procurement and thus in local government.

Chapter 103D is the single source of public procurement policy to be applied equally and uniformly. It was the legislature's intent for the Code to be a single source of public procurement policy. Fairness, open competition, a level playing field, and government disclosure and transparency in the procurement and contracting process are vital to good government. For this to be accomplished, participation in the process with one set of statutes and rules is necessary. After all, we are dealing with public funds. An exemption will provide a non-competitive or "non-bid" process that is contrary to open and fair competition. Competition produces innovation and excellence.

In conclusion, for the reasons above there is no compelling reason to statutorily exempt access services from the Code. The SPO recommends amending Page 1, lines 9 and 10, as follows:

(a) The director may designate an access organization to oversee the development, operation, supervision, management, production, and broadcasting of programs on public education and government (PEG) channels obtained under section 440G-8; provided that the ~~designation shall be exempt from chapter 103D; and provided further that the~~ director shall establish the requirements for the designation of an access organization pursuant rules adopted under chapter 91.

Thank you.

Testimony on S.B.1789, S.D. 1
Relating to Cable Television Systems
Senate Committee on Commerce, Consumer Protection and Affordable
Housing
Keali'i Lopez, President and CEO of 'Ōlelo Community Television
February 26, 2008

Senator Kokubun, Senator Ige, Members of the Senate Committee on Commerce, Consumer Protection and Affordable Housing. Aloha. I'm Keali'i Lopez, president and CEO of 'Ōlelo Community Television. Thank you for the opportunity to testify in support of S.B.1789, S.D. 1.

The bill adds language that clarifies Chapter 440G, HRS, with respect to access organizations, and we appreciate that. The bill also makes advice from the Cable Advisory Committee (CAC) available to access organizations and requires review by the CAC of decisions that affect access organizations. We believe that is a step in the right direction, although we believe that the extent of the CAC's authority and involvement needs to be clarified before any statutory language is finalized.

However, the most substantial proposed change is to exempt from chapter 103d (the Procurement Code), the designation of and requirements for an access organization. The designation of the PEG access organizations would instead be made by the DCCA Director based on standards that are adopted pursuant to the public rulemaking process. We support this change.

We acknowledge that open competition for many government contracts promotes the public's interest by ensuring fair prices and preventing preferential treatment of contractors. However, we believe—and the Legislature has acknowledged—that the application of the Procurement

Code in some cases can injure the public's interests. The administration of PEG services is just such a case.

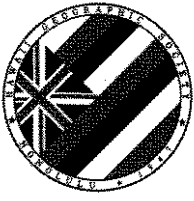
In testimony before the State Procurement Policy Board and in protests filed with the State Procurement Office, we have shown that awarding a contract for the administration of PEG services is clearly impracticable and certainly not advantageous to the state.

If you distill the essence of our services, you will find that we exist to enable people to exercise their First Amendment rights. This is not something that can be put out to bid, or something for which performance standards can be written. Indeed, the fees paid to the PEG access providers, including 'Ōlelo, is not set by the PEG organizations. Instead, the fees are determined by the amount of revenues actually collected by the cable company from the cable subscribers. The amount of PEG access fees is not guaranteed; nor can it even be predicted in advance. Therefore, the most typical procurement situation – where the State intends to award the contract to the lowest price bidder – does not, and cannot, apply to the contract for PEG access services.

Additionally, 'Ōlelo's almost 20 years of providing PEG access services has resulted in an enormous amount of social capital that can not be financially quantified. This has been readily apparent in the community support of PEG access across the state. There is nothing to gain and much to lose if the standard procurement contract award process is imposed on PEG Access administration contracts.

For almost two years we have sought to resolve this matter with the DCCA, the State Procurement Policy Board and the State Procurement Office. Although there is much that remains unresolved, we will continue to protect PEG resources for our community by opposing attempts to

undermine its unique character and effectiveness. A competed contract for the administration of PEG Access services is impracticable and the change to 440G to exempt these services from 103d is justified, necessary and even to the State's advantage. That concludes my testimony.



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Public Testimony to the Hawaii State Senate Committee on Commerce, Consumer Protection and Affordable Housing

Regarding SB 1789 S.D. 1
Affecting designation of access organizations for PEG Community Television
Submitted by Dennis Callan

I urge you to approve this bill and pass it along to the full Senate for adoption. I congratulate you for considering this approach, and feel the bill accomplishes what many of us have been working towards for this past year. The current situation, sending out the contract for competitive bidding to then be decided by an administrator, is just not the best way to handle this situation.

I speak to you as the senior producer at 'Olelo, from experience I have gained during the past 18 years volunteering to create PEG television programming, starting in the days of "public access" before 'Olelo existed. Essentially, I feel that 'Olelo has been doing a very good job, and any changes in the current management situation would probably create many more problems than they would fix. If it's not broken, leave it alone. I am in favor of your providing an exemption to the procurement process so that 'Olelo's management can continue uninterrupted.

When you consider the challenges of running a multiple-channel production facility utilizing volunteer producers who often have no technical background, 'Olelo has done quite an amazing job. They have assembled top-quality equipment and trained employees who show a real interest in the clients' progress. In the rapidly-changing world of video production they have remained very current with advanced, but affordable, technology. Witness how they rapidly embraced non-linear editing with purchase and consistent upgrade of many Apple computers and provided the training, which I benefited from, to bring users up to speed. The production studio with its large sound stage is a vital asset to the community, all housed in a facility they had the foresight to acquire some time ago when prices were reasonable, in a central location, with satellite facilities to reach out to remote areas of the community.

Is everything perfect there? Well, of course not, and some individuals might have problems with various aspects of the operations, as in any multi-faceted operation. It is hard to please everybody all the time. Overall, when you consider the big picture, 'Olelo is doing very well for the clients and for the community of viewers. Among areas I am very satisfied with are the technical quality of playback signal, hours of operation, attitude of staff, up-to-date standard of the production hardware, training offerings and consistency of performance.

Constant work needs to be done to stay on top of this ever-changing world of television production, and the best way for this to succeed is to let the organization concentrate on the job at hand. If procurement competition is put in place this would be a big distraction to the smooth operation of services, and if the job were handed to another entity it could result in major disruption.

Since 'Olelo is doing the job well right now, there is no reason why operators should change. I do believe that as needs for improvements manifest themselves in these ever-challenging worlds of video production and community outreach, that the current operators of 'Olelo can implement solutions and keep adapting. We should be grateful for what they have accomplished.

My program, "World Traveler" has been broadcast every week for all of those years, winning an award six years ago as 'Olelo's longest-running program and still going strong. During this time I have created over 200 hours of programming, doing all the photography, editing, writing and postproduction. I have been an active participant in the operations there including attending many of the volunteer forums and serving as an early member of the CTPA, an advocacy group for 'Olelo's

army of volunteer producers. As a result I have seen many changes take place in the world of community programming and have seen what a great job the current access management has been doing. Passage of this bill will help to assure that the right decisions are made on this critical issue.

Thank you for this consideration.

Senator Russell S. Kokubun, Chair
Senator David Y. Ige, Vice-Chair
Commerce, Consumer Protection, and Affordable Housing Committee
Senate of the State of Hawai'i

Lance D. Collins, Esq.
Attorney for Akaku: Maui Community Television

Tuesday, February 26, 2008

Support of SB No. 1789, Relating to Cable Television Systems

I represent Akaku: Maui Community Television, the access organization serving the cable subscribers of Maui County. Akaku and the people of Maui strongly support Senate Bill No. 1789, Relating to Cable Television Systems, which would give the public and access organizations a clear and meaningful process by which the administration designates and regulates cable access.

Cable access regulation in Hawai'i has been marred by unstandardized regulation over the last twenty years. Both the Legislative Reference Bureau and the DCCA have produced reports describing the recurring problems with cable access regulation in Hawai'i. Both reports provide recommendations for effective regulation. These recommendations have, by and large, not been implemented by the administration.

The current policy, as outlined in Chapter 440G, provides the DCCA to "designate" access organizations and allows the DCCA to complement the designation by requiring a variety of commitments from the enfranchised cable operators. Recently, the Second Circuit Court has ruled that the "designation" of access organizations, pursuant to Haw. Rev. Stat. 440G-1, by the DCCA was a rule within the meaning of Chapter 91, Haw. Rev. Stat. It pointed out that the DCCA had never promulgated a rule and therefore all cable access regulation to that point was unlawful.

The DCCA has begun the process of promulgating a rule. However, to the dismay of many across the state, the DCCA has proposed to adopt the procurement code as the method of designating access organizations. The use of the procurement process was a controversial decision which Judge August ruled was not required by state law.

In addition to not being a recommendation of either study from the 1990s and not required by the law, no other state in the country uses the procurement code to designate or regulate access organizations. Additionally, where such vital public interests are at stake, the procurement code removes significant policy deliberations and considerations away from the public eye and the public process. Finally, there is significant question whether adopting the procurement code to designate access organizations will even be consistent with current law.

Senate Bill No. 1789 gives the Hawai'i State Legislature an opportunity to clarify state policy which respect to access organizations by reaffirming the State's commitment to cable access and public involvement in the process of cable access regulation. It indicates our state's desire to keep cable access regulation as part of the overall framework of cable television regulation and not to separate the most vital public interest part of cable television regulation and veiling it behind the procurement code or other secretive process.

We urge the committee to pass Senate Bill No. 1789 without revision. Thank you for the opportunity to provide testimony.

Concise Outline of History and Position Regarding Support for Senate Bill No. 1789

PEG access are cable television channels that are allowed to be required of cable operators under federal law. This state enacted Chapter 440G which requires the director of the DCCA to "designate" access organizations to operate access channels acquired in the franchising of a cable operator.

In Hawai'i, the DCCA participated in the formation of non-profit organizations which have increasingly become (and now wholly are) independent of the state. Last month, the Hawai'i Supreme Court ruled in Olelo v. OIP, 116 Haw. 337, that the Access Organizations are not state entities and do not serve a "government function" which would put it within the ambit of Chapter 92F (which has a very broad definition of government).

Because of its particular history, the DCCA never promulgated rules regarding its "designation." There have been historical problems with that. In the mid 1990s, the LRB and the DCCA, itself, commissioned studies regarding the best way to regulate Access Organizations. These suggestions were never implemented.

The Problem

Without rules in place, there was overwhelming confusion regarding the responsibilities and duties of access organizations. This led to significant media attention on access organizations in 2004 and 2005 including the lack of rules. The administration suddenly announced a secret opinion of the AG that indicated that the agreements the Access Organizations have with the DCCA must go through procurement.

Late last year, 2nd Circuit Court Judge, Hon. Joel E. August, ruled in Akaku v. Reifurth et al, Civ No. 07-1-0278(1), that the DCCA must promulgate a rule and that the DCCA did not have to use procurement to designate Access Organizations. The DCCA then has drafted proposed rules which have not yet gone to public notice or hearing which adopts the procurement code to designate access organizations.

Why Procurement Won't Work

No other state or municipality uses procurement in the designation of Access Organizations. Neither the LRB study nor the DCCA's own study recommended procurement.

One of the main benefits of Access Organizations are their community outreach, education and enrichment. These are not "primary" functions of the organizations but "secondary" functions. PEG stands for public, education and government. Government routinely issues RFPs for services to get its content onto access channels. Education has its own facilities and gets funding from both general funds and subscriber fees.

The public, however, has no other source of funding. The "secondary" function of access organizations provides this.

Procurement however would eliminate this "secondary" function because it requires a non-profit business model that can be executed over an extended period of time (similar to the cable operators franchise which is between 8 and 15 years). An example is the difference between a 15 and 30 year home mortgage. While a 15 year mortgage costs more, the benefit is that in 15 years, you own your home. A rational consumer can then weigh the costs and benefits. The problem with "front loading" in an access organization designation is that there is no house at the end of an RFP but another RFP. The instability here does not permit a non-profit organization, under the reasonable business standard, to create long term business models that allows the funding of the very important "secondary" functions.

How Procurement Is Inconsistent with Cable Television Statute

A competitive sealed bid also is inconsistent with the statutory framework of the Cable Television statute. That statute requires a modified contested case proceeding that permits public participation and input. Part of that process involves the extraction of no-cost benefits to the state and the public (including access channels). Competitive sealed bidding does not include meaningful or required public input into the creation of an RFP and what is important to the public nor are bids reviewed in the open. All of the RFP process is secretive and lacks and public oversight or participation.

Senate Bill No. 1789

Senate Bill No. 1789 clarifies the current legislation by fleshing out that the designation of access organizations must be done in a similar fashion to the rest of cable franchise -- open, in the public, and under a financial reasonable and prudent term of designation that allows flexible regulation by the agency while creating clear minimum guidelines to protect the public's right to participate and determine what kind of access organization and services it wants.

SB 1789 does not change the legislature's policy towards access organizations or access channels. The bill simply clarifies the legislature's policy for the agency and the public.

Policy Context of the Regulation Overall

Because Access Organizations take on the primary role of providing public access services, proper access regulation provides access organizations and the public clear guidelines of expectations and responsibilities of each allowing every resident the opportunity to exercise their important First Amendment rights. It also provides the government with clear policy guidelines to avoid even the appearance of impropriety, favoritism or bias.

Thank you.

testimony

From: corraodj@gmail.com
Sent: Friday, February 22, 2008 4:38 PM
To: testimony
Subject: SB1789 Testimony from a concerned Public Access citizen

Senator Brian T. Taniguchi, Chair

Senator David Y. Ige, Vice-Chair

Senate Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Darren J. Corrao
February 22, 2008

Testimony in Support of SB1789, Relating to Cable Access Television.

My name is Darren J. Corrao, and I am a resident of Wailuku, Maui. I am a strong supporter of our superb local PEG access provider, Akaku: Maui Community Television. Because of Akaku and its commitment to free speech in our community, I am more acquainted than ever with all sides of the numerous important issues affecting me, my family, and my community; and, needless to say, in these times of great change there are more issues than ever that affect us. I regularly watch Akaku's programming and am often surprised, and pleased, to learn of community services previously unknown to me. My wife is a social worker here on Maui, and I know that she has used the services of Akaku to the benefit of her clients. I am proud to be a member of a community that has an asset like Akaku, with its outstanding staff members and educational services, which truly helps our island's residents use their voices. Also, without Akaku, I would be much more ignorant of the issues and positions of our Native Hawaiian community. Akaku truly lives up to its motto: "empowering the community's voice through access to media."

For the longest time now, I have been reading about our State bureaucracy's attempts to undermine Akaku's commitment to open access to media. I am saddened by the senseless attacks on our community's most important avenue for free speech. I can only hope that our representatives in the Hawaii State Legislature will step up and end this madness by passing Senate Bill 1789 as quickly as possible.

I urge you to support SB1789 with all the power at your disposal. Our PEG access stations, which are independent nonprofit organizations created by the State itself, should not be subject to the procurement process. As I understand it, the DCCA and State Procurement Office are attempting to award PEG access based on a sealed bid process. It would be to me, un-American to award PEG access, our protector of free speech, to any entity without a completely open review and the input of the public most affected by it. SB1789 would ensure that open and fair review under financially reasonable conditions for PEG access. It would also create specific guidelines that protect the public's right to participate in deciding what kind of access organization and service it wants. Moreover, SB1789 would not change the legislature's policy towards access organizations or access channels; it would simply clarify the legislature's policy.

Thank you.

2/22/2008

testimony

From: Jay April [jay@akaku.org]
Sent: Friday, February 22, 2008 6:52 PM
To: testimony
Subject: Testimony in Support of SB1789

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice-Chair

Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Jay April

February 26, 2008

Testimony in Support of SB1789, Relating to Procurement Exemption, Cable TV and PEG Access.

My name is Jay April and I am the President and CEO of Akaku, Maui Community Television, a beacon of free speech on the best islands in the world where anyone can talk story. In a media universe dominated by big government and corporate points of view, public, education and government access stations are an oasis where people turn for the straight dope on just about anything. Most of it local, all of it first come, first served, nondiscriminatory, uncensored and unfiltered. This is a true “electronic democracy”, a marketplace of ideas in which State Procurement has no expertise, business or jurisdiction. As a matter of fact in my more than twenty five years experience in cable, broadcast and public access television I can think of no PEG selection process any less “public” or more harmful to the concept of using the television medium to engage each other for the common good than the secret, inept, punitive and breathtakingly destructive RFP process now being used by the DCCA and SPO to diminish and possibly destroy this valuable public resource.

PEG Access is not a commodity. PEG Access organizations in each county are independent not for profit 501(c)3 corporations which have built up many years of valuable social capital to fulfill the unique and fully local communications needs of each county. As the Hawaii Supreme Court recently affirmed, Franchise fees from cable subscribers are not state funds. They are paid directly from the cable company to the PEGs in each county without passing through the state’s general fund. Local cable access boards provide proper oversight for the use of these funds and are the appropriate local guardians of this healthy public domain.

The SPO Is dead wrong in it’s failure to determine that PEG Access organizations are sole source entities in each county. Incredibly, what DCCA and SPO fail to realize is that PEG access entities are television anomalies. They do not exhibit top down programming structures but program from the bottom up. This is the community programming for the community, not a programming elite deciding what everyone should see. This is an important distinction requiring a unique level of expertise to properly manage. PEG Access stations are where people from vastly different backgrounds gather to express ideas and find low cost or free ways to find an outlet for their voice. These are often the only places native Hawaiian voices are seen and heard. There is simply no other form of television like it. No one else does it. It is a sole source. This is the only form of television without an institutional programming agenda. Unlike all other forms of television, these fully democratic media serve as an electronic public commons on each island to empower local communities to program these channels in

2/22/2008

a non-discriminatory, first come first served basis. No other form of television has these public benefit characteristics. This RFP process trivializes and completely ignores this central reality, the applicant with the most cameras wins.

The current RFP process initiated by DCCA/SPO is unaccountable to the public or to the legislature. It lacks meaningful oversight, contains no clearly defined evaluation process, is inconsistent with cable franchise designation, takes liberty with statutory authority, is likely to be found illegal in several aspects and will weaken PEG Access Providers in each county regardless of who the successful applicant or applicant(s) may be. The process violates First Amendment and other constitutional principles, does not allow for meaningful input from neighbor island communities or governments and is a magnet for unnecessary and protracted litigation.

The RFP is selective in that it singles out only the franchise fee contribution to the PEG Access Providers as subject to procurement. It does not address the 1% franchise fee allotment to KHET, Hawaii Public Broadcasting or other tangible benefits to the state such as capital contributions, satellite dishes or institutional networks that the DCCA Director has stated "provide enormous value to the state" Nor does the RFP address the major issue of whether or not cable franchises themselves should be subject to procurement.

Adding insult to injury is the abject failure of SPO/DCCA to acquire the necessary expertise to even draft the RFP much less do the due diligence to find a better, more transparent and workable model. How hard would it be to research and establish a progressive methodology to designate PEG access organizations according to well known "best practice" with maximum citizen involvement, participation and debate at no cost to the state?

For the benefit of our body politic and all our publics, all we are asking is the legislature's guidance in achieving a first step toward that goal by passing SB 1789.

Thank you for the opportunity to testify before you today.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha Chair Nishihara and Committee Members,

My name is Kalua Dung. I am a Producer with Waianae Olelo Community TV. I would like you to Support SB 1789 – Relating to Cable Television Systems. If this bill helps to keep Olelo Community Television stay in our community and continue doing all the good work that it's been doing, then why would you not support it.

I've seen for myself how Olelo has helped to bring our community closer together. Olelo is part of the Waianae Ohana network. Olelo is like an Ohana for many us clients, especially the young kids who need someplace safe to hang out. These kids help us older people to do programs. They get involved with lots of things in our community. Wai'anae is getting a good reputation now because of Olelo Television.

Again, I want you to support SB 1789, which would help keep Olelo Community Television in our Wai'anae community.

Mahalo,



Ms. Kalua Dung

84-1200 Mauna Ola St.

Waianae, HI 96792

Ph. 696-7998

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

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PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha, my name is Mr. Leslie Awana, Sr. I am a resident of the Wai'anae Coast. I want to take this time to acknowledge my sincere appreciation to the staff of the Wai'anae 'Olelo Facility.

I want to note that this 'Olelo facility and its staff has, from the very start of our group using this community access facility, has shown our group, "The Remnant Church" the highest professionalism. It has been close to 5 years since we started here.

This staff has always helped us in training to use the equipment as well as by mentoring us each time we had scheduled filming. We are very happy because of the help shown by the Wai'anae staff as well as student helpers.

I pray that those in charge will see the power of people Access because without a qualified provider, namely 'Olelo, the people would not have "freedom" to speak to share the values of tradition and culture!

Truly,

Mr. Leslie Awana Sr.

Mr. Leslie Awana, Sr.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha, my name is Ka'imi Dung, and I am a Wai'anae community resident, a business owner, and an active community events coordinator. I urge your support for SB 1789, Relating to Cable Television Systems.

Olelo Community Television is very important to our community. It is doing what their jingle says "building community" through the children, the youths, the adults and the kupuna. One shouldn't mess with something that is working very well.

Like the saying goes, "don't fix it, if it's not broken." Pass SB 1789, and you'll be doing the right thing.

Mahalo,



Ka'imi Dung
84-1200 Mauna Ola Street
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Ph. 696-7998

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha! My name is Steven Wichliffil and I support Senate Bill 1789 in regards to the exemption related to chapter 103D. I am currently working at Waianae Olelo Community Media Center. Olelo has given me the opportunity to work with students with disabilities on the Waianae coast, specifically with Waianae High School. Olelo programs give students with disabilities the opportunity to work with media, something they have not had access to before. Media and the opportunity given to students with disabilities enables them to express themselves and build self-confidence. While working with these students, I have seen them develop confidence and self-empowerment. Some of these students and their community members never imagined the students were capable of completing high-level multimedia projects. But this opportunity shared with the students through Olelo has shown them that they are capable, competent and eager students. By exempting these organizations from chapter 103D, the senate is enabling organizations such as Olelo to continue working with the community and students with disabilities. This will empower and build self-confidence in students with disabilities, and will gain the confidence of community members. Mahalo!

Steven Wichliffil

**Assistive Technology Media Resource Coordinator, Waianae Olelo
Community Media Center**

2312 Lime St.

Honolulu, HI 96826

Phone: 808-428-4872

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

My name is Shirley Pomaika'i Naho'opi'i. I am a resident and concerned citizen from the Wai'anae Coast who votes every election year. I am also a kupuna at Kamaile Elementary school. I am also a member of Kaleipapahi O ka Kuhihewa Organization, an advocacy of the Hawaiian Studies Program, Department of Education.

I am here today to testify that the selection of a PEG access organization (Olelo) be exempt from the competitive bidding process and support S.B. 1789.

My understanding of PEG is not a commodity that should be bought, sold or put up for bid.

PEG's mission, I repeat, it's mission involves community building, nurturing local programming, and protecting each individual's First Amendment Rights. Hurray, at last we have somebody on our side!

Olelo has met all its goals and objectives with the people of Hawaii Nei. They have been doing their job, so why and what is the problem?

Please come and visit our Wai'anae Olelo Media Center located in the Wai'anae High School and witness our na keiki, ohana, city, state, government personnel, schools, various churches, ethnic organizations, teachers, community leaders, you name them, everybody is involved and participates in Olelo. Olelo is doing their job wholeheartedly, and somebody is planning to stop this wonderful program? Why? When it benefits our people!

I believe in Olelo and we're moving in the right direction because now we're here at the Hawai'i State Legislature to be heard. What a privilege and honor to thank you for your patience, time and effort.

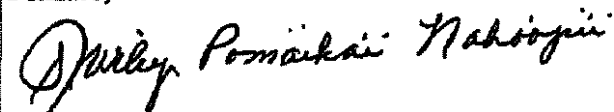
By the way, allow me to say this about "Olelo"-

"E lawe I ke a'o a malama a e 'oi mau ka na'auao!"

"He who takes his teachings and applies them increases his knowledge."

This is Olelo, "the voice that speaks."

Mahalo,



Shirley Pomaika'i Naho'opi'i

Kupuna

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha Senators Nishihara, Mercado Kim, Tsutsui, and Trimble:

My name is Kawika Nahoopii, I am the Manager of the Olelo Community Media Center at Wai'anae and most importantly a resident of the Wai'anae coast community. I ask for your support of Senate Bill 1789 – Relating to Cable Television Systems. This bill will keep the procedure for designating PEG access organizations and its' requirements essentially the same as it has been for nearly twenty years.

This process has allowed Olelo Community Television to develop and respond to the needs of the many diverse communities on Oahu. The people of the Wai'anae Coast have greatly benefitted from Olelo's wisdom with making PEG services more accessible by placing a Media Center not only in the Wai'anae, but also in five other communities with the hope to open more. Olelo responded to the community's need with providing services, training and equipment to youths.

Olelo not only responds to the public sector, but partners with the Government sector by providing coverage of Neighborhood Board meetings, Town Halls, discussion programs for elected officials, and of course coverage of various meetings and sessions of the Legislature and the Honolulu City Council. Olelo has responded to the needs of the Education Sector by partnering with schools throughout Oahu. Nearly all of Olelo's Media Centers are located on school campuses. This allows Olelo the opportunity to engage school aged students in many thought provoking activities and projects that impact their lives and community, such as littering, recycling, the environment, social issues, cultural events, government and civics, like Capitol Commentary.

It's not that I'm opposed to a procurement or a bidding process for contracts that seek to provide a specific service such as construction of a building or a road. An RFP process for Community Access Television is inappropriate for prescribing the somewhat intangible needs of unique and diverse communities that exists throughout Hawaii nei.

Olelo is about you, me, and community. It's about the world in which we live. Let's keep it the way it is, because it is working successfully for all communities. Support Senate Bill No. 1789.

Mahalo,



Kawika Nahoopii

knahoopii@olelo.org

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 -- Relating to Cable Television Systems

Aloha Kakou Senator Clarence Nishihara and Member of the Tourism and Government Operations Committee.

My name is Kupuna Ruby Maunakea, I am a Clerk Typist at Leihoku Elementary School and the President of the Nanakuli Hawaiian Civic Club. I humbly request your support for Senate Bill No. 1789, which is relating to Cable Television Systems.

I am against Olelo Community Access TV having to go through an RFP or Bidding Process. I believe SB 1789, would help to keep Olelo operating the way it's been operating which is the way we want it. It keeps getting better and better for everyone in our Waianae community that we don't want it to change. We especially don't want somebody else who don't know our community coming in and changing things.

Olelo has always listened to us, they are patient with us. It's not easy for us Kupuna to learn to make television programs. Olelo is patient with teaching us and they have all these youngsters helping us to learn and finish our programs. Not anybody can do these things.

Only Olelo has done these things and we want it to stay that way. Don't change it! Vote in SUPPORT of SB 1789.

Mahalo,



Kupuna Ruby Maunakea
89-081 Kihonua Place
Waianae, HI 96792

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

My name is Pastor Sally Jane Amina and I have a program on Channel 52 with Olelo called, "Have Faith In God." As a community member I am grateful to be able to use the facilities and equipment available to us, as well as take advantage of the ever-present assistance by staff, interns, volunteers, clients and others. It was not always like this.

In the beginning – before Olelo as the current PEG access provider, when my husband and I first started our program in 1989 we had to go all the way to town in order to make a 15 minute program every week. After a time we went to the old Sony to record our program, which was scaled down to only 5 minutes, and then after a couple of months we went through technology classes to learn to use the camera equipment as well as attend a producer's course. In order to become licensed we had to complete a project as a class. Once we were licensed we were able to borrow the equipment and do our own taping; however, we did still have the challenge of traveling to town every week, having to find a place to do our filming at, returning equipment back to town and doing our editing in town, too. By this time we were able to do a 30-minute program each week.

I share all of this with you so that you know I understand the value and importance of PEG access and having the right provider in place. PEG access cannot only be about programs, although that is the medium we use as the voice of our community, but PEG access must also be about building and nurturing a community and all the relationships within it.

That is why I support Bill no. 1789, because although the director will still be responsible for designating an access organization and the requirements it must meet, it also states that the 'terms and conditions upon which requirements for the designation is provided are fair to the public, taking into account the geographic, topographic, and economics of providing cable access in the service area.' (Section 1.c.)

Also, I believe that PEG access and the designation of its provider should not be based upon the best bid, but upon the best qualifications of the access organization to meet the needs of the community, the goals set for future growth as well as to provide the necessary facilities, equipment, training, support and fellowship between staff and volunteers that best serve the needs of the communities PEG access exists in. (Section 1.c.)

Respectfully yours,



Pastor Sally Jane Amina
808-696-1790 (for further contact)

HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha, my name is Jean Teo-Gibney. I am a resident of the Wai'anae Coast, and have been using Olelo's facilities and resources for PEG access since May of 2004. Since that time I have seen many changes, amongst those was the initiative Olelo as a whole, but most especially Olelo Waianae, took to be more responsive to the communities it serves. They did this by participating in the community growth and planning, and not just being a passive resident.

The most notable changes came when Olelo began to include more 'social' programs such as the Summer Media Enrichment Program. This program itself proves that Olelo as the current PEG access provider truly accomplishes the mission of a PEG access provider, plus goes that extra step to be part of solutions to challenges and issues in their communities. This is fair and takes into consideration the welfare, needs and economics of the public. It also takes into account the social well-being of the people who purchase cable access and their families.

Exempt PEG access from the procurement process and designate the access organization according to their suitability, track record, compatibility and responsiveness to the people. There is really only one organization that fits the bill, and that is Olelo Community Television.

Sincerely,



Jean Teo-Gibney

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Greetings and aloha to you all. I am writing today as a Wai'anae resident, an 'Olelo client, a native Hawaiian, and a concerned citizen. My name is Ms. Sharlette L. K. Poe, Jr. and I am here to relate to you my travels along this road called PEG access on a vehicle called 'Olelo.

I started as a client with 'Olelo for our church organization, Ark of Safety Christian Fellowship in Wai'anae, exactly three years ago on February 11th. As you know a lot can happen in three years, and so much has in public access as a whole and with 'Olelo. I had only peripheral experience with public access and no real understanding until I came to the Wai'anae 'Olelo facility and took the classes and met the people. It was while I struggled to quickly learn and implement my new skills for our church projects that I realized the people here are what made the experience great. They helped me to get through the bumps and barriers in my progress with PEG access, and helped to grow my confidence in using the equipment.

In fact, they helped it grow so much I became a member of the staff that helps to introduce PEG access and 'Olelo to the rest of the communities, that helps to train new clients on what PEG access is, how 'Olelo plays a vital role in Oahu's PEG access, and how they as concerned citizens and individuals of the community can also play a great role in instigating positive change in our community.

At Ark of Safety and as a faith-based non-profit we did not have a lot of money to purchase equipment to film or to edit our programs that we filmed, much less to pay for airtime of our programs. We knew that what we offered to our community members was life changing and could assist them in their day to day struggles, too, if they but knew about us. PEG access, namely 'Olelo, helped us to accomplish this. By having a convenient location in our community with cutting edge equipment and creative software, as well as the knowledgeable staff and willing assistance from others we were able to get our voice heard by our community members. What was even better was that by using our PEG access provider and the resources they put aside for us, we are able to consistently help those in our community in their daily lives.

We were able to help because we had a center for public access in our community, and 'Olelo made that possible. The people they employ are from the community so it helps to not only provide jobs, but also helps 'Olelo to truly know what the community needs are, what issues are important to the citizens and how they ('Olelo) can be of assistance to the community and not a hindrance. I love the fact that 'Olelo strives to provide not just physical and monetary means to provide access, but also emotional support and

encouragement, too. There is no real way to measure that tangibly as aloha is an intangible item; however, the results speak for themselves when you see youth who are stained by the stigma that mainstream media paints them with stand up and speak before you about themselves, their families, and the struggles they have endured and where they have come from. Most impressive of all is to see the results and hear the pride of accomplishment in their voices when they tell you about where they are at now and how they came to be here.

We see youth formerly cowed by the ugly reality of life and angry at everyone around them for the injustice they perceive done them, finally pull back their shoulders and say I now know who I am, and although I may not know exactly what I want to do I do know that I can make a difference in whatever I pursue if I just educate myself, ask questions and speak up for what I believe strongly about, and participate in the processes that make decisions about our futures. In fact some of you may know some of these youth I describe as many of them have interviewed you for Capitol Commentary. They see in you something they believe in and admire. Do not do what so many have done before and ignore their voices and discount their concerns and requests, but instead take into account the time, effort and passion they have invested in this whole process, and support SB 1789.

PEG access is not only about existing in a building and having the people come to you, but it is about residing in the community, and participating in all the events that happen within that community. It is about being part of a family that comes together when the community needs you and about just listening when they need to cry out; it is about being part of solutions and not part of problems; it is about being available and accessible to those who need you; and most of all it is about the multi-generations of people that make up that community.

It is about the kupuna who realize they are not pushed aside, but are eagerly sought for their experience and knowledge of the past, and how that can be applied to our present and the future. It is about seeing young children realize that they have options and choices for a better future than what their families have now if they only put forth their own efforts and combine with those who work with and for them, too. Their voices make a difference especially when called out in harmony with others around them. It is about families recognizing they want more and better for their children and supporting the good things and programs in our communities to help them achieve this goal. And it is about bridging the gap between generations so that there is cohesive harmony and intermingling with shared stories, opinions, ideas and suggestions that can only help to better the chances of our younger generations taking responsibility and initiative to improve the lives of our people as a whole.

3 of 3

We take joy in the fact that the aloha poured into them, although it cannot be quantitatively measured, we can see results in their improved grades, improved attendance, improved family relations, improved relationships with others, whether peers or those in authority over them. Where before these youth would resent, balk at and resist authority they now try to work along with authority to help set examples for others, and to make good and lasting changes in their own surroundings.

Changes like these do not come about because an organization or individual was mandated and ordered to do it. Changes like these come about because people see the need and are moved by love and compassion to make a difference in the lives of those around them. This cannot be written into any RFP, or put out for bid. Who can guarantee that the best bid would be best for the people who a PEG access provider is supposed to serve? The only way to guarantee that successes like this continue and are implemented in other communities is to support SB 1789, which will exempt PEG access from the procurement process, and also I ask that the Director continue to designate 'Olelo Community Television as the PEG access provider for Oahu. So, please, heed the voices of the people and vote in support of SB 1789.

Sincerely,



Ms. Sharlette L. K. Poe, Jr.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Mabuhay, my name is Rodney Paguirigan. I am a sophomore at Waianae High School and an intern at Waianae Olelo Community Media Center. I am providing testimony in support of Senate Bill 1789. According to Section E of the Senate Bill No. 1789, the director can make decisions, which is exempt from the procurement selection process. Therefore, it will allow for the process to continue working the way it did before the R.F.P., which did work.

I have upheld my position as an intern of the Waianae Olelo Community Media Center since the 9th grade. I have participated in the Summer Media Enrichment Program during the summer after the 8th grade. Since then, I have seen a lot of positive changes in the program and the participants. When the participants leave at the end of the Summer Media Enrichment Program they leave as more intelligent person than when they started in the beginning of the summer. They leave with more self-confidence as well as pride in who they are, but most importantly where they come from.

The access allows the community to voice their opinions and concerns about anything. It helps the community in saying whatever it is to inform the community and have a say in something. It encourages people of the community to express what they feel. It also gives the people of the community to use professional equipment and programs on the computer, such as Apples Final Cut Pro.

If I didn't have this program I would be at home doing nothing after school. I wouldn't have any extra-curricular activities after school and I would be doing nothing. I wouldn't know much about my community as I do now. I wouldn't have learned more about myself and where I come from. This access allows for students such as myself, who are in high school to become interns and experience the process of applying and applying for a job. With this program I have learned many things that I would have never learned in my life about myself as well as my community. Please allow for this bill to take action. Olelo is an asset to me, the rest of the interns, but most important the community that will provide opportunities for others to explore the different venues.

Mahalo,

Rodney Paguirigan

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha,

My name is Thorne-Michael Kahele-Fontanilla. I am a senior at Nanakuli High School and an intern at Waianae Olelo Community Media Center. Working as an Intern, I've truly been able to reap the benefits of Community Access which is why I am writing in support of Senate Bill 1789. The amendments provided in this bill make me feel ecstatic because it gives Olelo Community Television a chance to either maintain or compete for the designation of overseeing community access television.

My hope is that the designation of overseeing Community Access Television goes to Olelo because I, like many others, have truly been able to benefit from the various enrichment programs provided by Olelo Community Television. I've also seen how Olelo has help shape and influence communities in the best way possible. It has been the only source of *true* Community Access that we've known and hope to see it continue.

Personally, the program has taken me to heights I've never thought possible. I went from being a social outcast, to a social genius. I can now get along with everyone I meet but it wouldn't have been possible without the program. I went from practically a high-school dropout, to a student with plans of going to college and pursuing a career in teaching. Without the program I don't what I would be doing, where I would be, or where I was going. This is why the Community Access I know would and could greatly benefit teens and community members like me for generations. Once again, I write this testimony in favor of Senate Bill 1789.

Thank you,

Thorne-Michael Kahele-Fontanilla

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 - Relating to Cable Television Systems

Aloha,

My name is Jeremiah Gene Wilkerson. I am a senior at Waianae High School and also an Intern at Waianae Olelo C.M.C. I am in support of Senate Bill 1789 because this bill is very important to my colleagues. Without Olelo I would be in drugs and other illegal activities such as drinking, smoking marijuana, going with my friends to the street races, chicken fighting, and hanging out with the wrong crowd. Then I join Waianae Olelo. I change a lot by stop hanging out with the wrong crowd. I stop going to chicken fights. I slowly stop drinking and stop going street races and stop smoking marijuana and such illegal activities. I now enjoy free diving riding dirt bike fishing and just spending time with family and my new friends. Since I have stop all the bad things in my life I meet a special girl that I enjoy being with. I love what I have become and I would never change my ways to go back how I was before. I would like to say a special thank you to Waianae Olelo gang for all ways being there for me and much mahalo for helping me change my ways. Without the Waianae Olelo and if I did not change. I would be in jail or not dead. Since I have change my life around .I have over come some of my fears like being afraid of the computer and speaking in public .so with that. I have to say a special thank you to Waianae Olelo.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 - Relating to Cable Television Systems

Aloha,

My name is Anela Casayuran. I am a senior at Nanakuli High and Intermediate School as well as an intern at Wa'anae 'Olelo Community Media Center. I am providing testimony in support of the Senate Bill 1789. I also feel that we should abolish the RFP. It is not what is best for the community.

'Olelo. The literal translation means 'to speak', which is exactly what it allows the population to do as a community access station and center. It is a place where the people of our state may voice their opinion without consequence, discuss problems unedited, and influence a cultural change or movement of their own. Imagine a world where no one could speak; a world without 'olelo; without a voice. How would such a suppressed society function?

'Olelo has provided me and many other youth with a paying internship, allowing us to help provide for our families and ourselves during such trying times. The internship has given us the chance to gain the experience that we need in pursuing a career that we would enjoy, not only in the media field, but in human relations, being and instructor to a group, as well as keeping us connected to our Hawaiian roots through class and dance. It was always said that 'Olelo is all about the experience, and they are true to their word. We are able to visit the capitol, develop relationships with our community and people of the senate through town hall meetings and performances of our Hawaiian dance, or hula, to our family and people our of state. This has benefited both the community and me because, whether we want to believe it or not, we are the future.

This center has also had a personal affect on me. A year before May 21st, my father had passed away after almost 52 years of life. His passing has been a hard one and really had an impact on me. If it had not been for 'Olelo Community Television, I would not have had the knowledge, equipment, or facilities to produce a video in tribute to how he had lived his life and share it with the community. Without 'Olelo, the voice of our great state would have been forced into silence. The goal of the RFP is to take away 'Olelo. When you do something like that, you are taking away the voice of Hawai'i. For the past 17 years, 'Olelo has been the only community access station, and during that time, many people have witnessed the increase in the community's involvement in many issues that we would have never known had existed before 'Olelo. This is why I support the Senate Bill 1789.

Sincerely,

Anela Casayuran

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha,

My name is Steven Kaeo Agustin Bersamin. I am a sophomore at Waianae high school and also an intern at Waianae Olelo community media center.

I am providing testimony in support of senate bill 1789. Part E of section 1, states "the designation of an access organization and the determination of requirements for a designation shall be exempt from chapter 103 D." Chapter 103 D, which is the procurement process, would have put Olelo into the bidding process, but this Senate Bill, 1789, will let Olelo be exempted from the bidding process because Olelo was something that didn't have anything wrong.

The Waianae Olelo community media center as well as the other Olelo community media centers around Oahu has done great things for their community. But not only the clients of the community were affected but the youth also had a big impact on their part of the community.

The Waianae Olelo community media center has motivated and influenced me drastically with their year-round internship and Summer Media Enrichment Program. I was in the S.M.E.P. back in 2006 and ever since then I have been an intern for Olelo for about 2 years now

This program has taught me many things. It has taught me to get more in "tune" with my Hawaiian values and culture. This program has also helped me to be connected with my family more and to share with them what I was taught. Olelo has also helped me with my education because if I had Homework or project that had to be finished I can get it done at Olelo. During the S.M.E.P. It also helped me to get on touch with my Filipino and Chinese side as well. Being in the year-round internship program it made me become more social with the outside world and get to network with adults and youth like me.

So, in conclusion, I will say to you now that I will one day say to my future generations that I am in support of this bill because it will not change the reputation that Olelo has all over Oahu and that future generations may become a part of this program and experience the same kind of things that I went through. Therefore, I support this bill so that Olelo can continue its program for the future and I may see other rise above expectations and succeed. Mahalo for your time.

Sincerely,

Steven Bersamin

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 - Relating to Cable Television Systems

Aloha kakou, I am Ah Ching George Poe, Jr. or Uncle Sonny to everybody. My family and I started as clients at 'Olelo for our church and soon grew to be part of the 'Olelo 'ohana. We are a close knit group that includes everyone we come into contact with once or many times. At the Wai'anae facility that we use we learned what it meant to truly work as a family unit and take initiative in our own community. Through 'Olelo we also learned of the great honor and responsibility we had by using the resources allotted to us through the whole PEG access process.

What I want to point out is that although 'Olelo has been the PEG access provider for the past 16 years they have not been idle and growing fat on their laurels or conceited in their position as the PEG access provider. Instead they have continued to seek ways to improve PEG access as well as how to make it more accessible and meaningful to communities around Oahu. They have initiated and brought to outlying communities, such as my own Wai'anae area, resources that include centers, staff, training, equipment and a strong sense of family and volunteerism/philanthropy.

By encouraging volunteerism individuals have come to realize that more can be accomplished when 2 or more people come together to help, and that change can be made when a group of people who believe strongly in an issue speak up about it. By encouraging giving back communities have begun to see changes for the better and by focusing on the family unit and living by example at Wai'anae 'Olelo our youth have begun to see that there are better things available to them if they make an effort to look beyond their borders and limits of stereotypical stigmas. Public access has given us all of this, and no price tag can be put to this.

How do you price this kind of effort? How do you write into a proposal that an organization must do and accommodate all of these activities? I do not know, but what I do know is that the attempts that have been made are abysmal, inefficient, ineffective and quite frankly offensive. This is why I am writing to you in support of SB 1789. This is why I am asking you, encouraging you and strongly urging you to listen to the voice of the people crying out to you to pass this bill which will exempt the PEG access procurement process, and to continue to allow 'Olelo to act as the PEG access provider for Oahu.

Sincerely,


Sonny Poe

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha mai. My name is Sharlette K. Poe, Sr. and I am a resident of Wai'anae, a client of 'Olelo, a parent of a former Wai'anae Media Intern and a kupuna in our church group that utilizes the resources in our community for public access. I am writing in support of SB 1789 and an exemption for the PEG access provider process. I am also in strong support of 'Olelo continuing as the PEG access provider for Oahu.

'Olelo has proven itself over these past 16 years as the most qualified, the most progressive, the most receptive and approachable to and about our community's issues and concerns, as well as being open to suggestions on how to make public access better for our community. 'Olelo has taken 'building community' to a whole new dimension by being an actual participant to change and improvements in our community and not just a passive observer. 'Olelo has utilized the resources available to them wisely and for the betterment of our communities as a whole, and has made the people of the communities they serve a priority in their operations.

They do this by looking for ways to integrate media into 'social' programs so that our future generations do not lose the opportunity they have to exercise their rights to freedom of speech. They do this by using media as a tool to teach youth about responsibility and being proactive. They do this by using media as the vehicle to bring generations together into a harmonious relationship set on a solid and strong foundation of core values they can take with them wherever they go. 'Olelo encapsulates and embodies the true meaning of aloha, by being more than just an access provider organization, and by being part of our 'ohana.

PEG access should be more than just a building with equipment and people waiting for the community to come to them and use their facilities and equipment, PEG should be about building community. This is why I support SB 1789 and the exemption from the procurement process. This is also why I urge you to vote in favor of this bill, and to continue to have 'Olelo serve as the PEG access provider of choice by the people.

Me ka ha'aha'a,



Mrs. Sharlette K. Poe, Sr.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 - Relating to Cable Television Systems

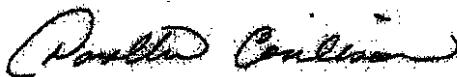
Greetings. My name is Daryllin N. Cornelison and I reside on the Waianae Coast. I have been utilizing resources of the current PEG access provider, Olelo, for a little over 2 years and have begun to truly understand the importance of a community having access to resources to exercise their freedom of speech. Olelo has taken the concept of public access television to a whole new level by actually taking public access into various communities on Oahu. They have made resources easily accessible to all ethnic groups, age groups, generations and denominations. By going into a community, Olelo has learned what it takes to build community by participating in the community as a member and not just as an observer or bystander.

Olelo has helped to find solutions to issues and problems that each community has by being there when no one else would cover a story, or at least by having equipment available for citizens to use to cover events that regular stations may not deem 'big' enough for coverage. But to each community every single happening that affects or causes effects in their midst is of importance and should be covered so the people are empowered with knowledge. Public access provides this, and Olelo truly lives and breathes this. Public access is more than just being an organization housed in a physical building waiting for the people to come to you, public access is about making resources available for community members to have a voice, and making it *accessible*.

This right should not be put up for bid, nor should it be dictated by those who are out of touch with the communities who use these resources. It should be overseen by a responsible, responsive and interactive organization that keeps in the forefront of its mission and operations, the good of the people they serve. PEG access should not be subject to the dollar, but instead should be subject to the voices of the people

Please exempt PEG access from the procurement process, and allow the most suitable, experienced and appropriate organization to be designated, this to me means Olelo. Olelo makes it their mission to build community through each generation of people in their communities; from small children to youth, to young adults, makua and kupuna. Don't let the future of our generations be up for the best bid, do the responsible thing and exempt PEG access from the procurement process and designate Olelo as the PEG access provider once again.

Yours truly,



Ms. Daryllin N. Cornelison

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

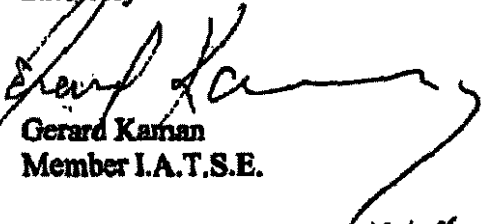
PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

I have been working in broadcast production for over twenty years. Training myself on everything from operating a one inch playback machine to A&B roll editing. Back then the TV world was a closely guarded secret. Today NLE has taken over and an ever changing computer controlled galaxy of communication continues to expand the universe. Waianae OLELO is a backbone of desperately needed education and training for adults and youth in video production that is today a growing requirement of corporate communication.

OLELO goes far beyond the title of community television and is more of a training ground for Hawaii's present and future economy by providing and training OLELO members the art of today Non Linear Editing, camera operations, production values, creativity, scheduling, client relations and business sense. One must look beyond just the TV screen too discover the real rewards of OLELO. I have been with Waianae OLELO since 2004 and look forward to continue growing with her.

Sincerely



Gerard Kanan
Member I.A.T.S.E.

2/19/08

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

To Whom It May Concern:

I am writing in favor of S.B. NO. 1789 . This bill will allow convenience of access for all the Olelo volunteers in the daily operation of producing, editing and filming of our community based topics. The present operation also allows a person from the general public opportunities to be trained and nurtured in the aspects of making a presentable program for viewing. Without this bill there may not be a convenient place to operate or proper training for those who want to pursue this avenue.

Respectfully,

Frank Trippett
Frank Trippett

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229


Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha. My name is Randolph Manewa, Sr. and I am a new client to Olelo along with my wife, Candace. We have only recently begun to make use of the resources made available to us the public through Olelo, but we have already learned to appreciate so much. It is a blessing to know that our communities have access to equipment and facilities as well as training to use the equipment through a competent and trustworthy organization such as Olelo.

Since we have become clients we have learned so much about why we have the resources we do and how some of these resources actually came to be in our community. Only because the current access provider, Olelo, had the vision and consideration for the people did they think to bring community media centers out into the communities instead of just having one location and waiting for people to come to them. For a "corporation" to understand the challenges facing the 'average' citizen and make adjustments to meet those needs is an exceptional thing; for a corporation to actually make those adjustments by committing money and other resources can only be described as 'aloha'.

How can that be put to bid? How can a monetary value be placed on something so intangible yet have such an impact on lives? It cannot. Public access should not go to the best bid, but instead be given to the most responsible and qualified organization that has a reputation of integrity, responsiveness, passion, 'pono' and 'aloha'. Do the right thing and support Bill 1789, exempt PEG access and designate Olelo once again as the best qualified organization to carry forward Oahu's PEG access.

Sincerely,



Mr. Randolph Manewa

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha, my name is Candace Manewa and my husband and I are new Olelo clients. So, we are also new to this whole issue of PEG access being up for bid and put through the procurement process. However, we do understand the need for public access television and the avenue it provides for the community members to have a voice. Public access television provides us with the means, training, facilities, equipment and other resources in the form of people, to do this. In this short time that my husband and I have been clients of Olelo we have seen the intricate relationships woven between Olelo and the many members of the communities they reside in and serve.

Olelo, as the current access provider, has shown itself to be considerate of the needs of its communities as well as sensitive to the many difficulties each unique community may face at any given time. Instead of merely being passive observers in the daily struggles of the people, Olelo has made it their mission to be part of resolutions and answers to key issues that affect our people.

Consideration, caring and initiative like this cannot be measured in dollars and cents, but instead this kind of aloha can only be proven through years of experience, struggles through change and strife, and meticulously building lasting relationships over years of interaction and integration. So, please support SB 1789, exempt PEG access from the procurement process, and designate the most qualified organization out there, Olelo Community Television.

Sincerely,

Mrs. Candace N. Manewa

Mrs. Candace N. Manewa

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair

Senator David Y. Ige, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 9:00 am

PLACE: Conference Room 229

Support of SB 1789, SD1 – Relating to Cable Television Systems

Aloha, my name is Naturalee Puou, and I am writing to provide written support of Senate Bill 1789 and of 'Olelo Community Television as well. I was first introduced to 'Olelo through its Wai'anae facilities when I was fifteen years old and in the ninth grade. I volunteered to help film various community events and participate in their youth programs for almost two years. Nearly five years later, I now work as a College Intern at the Wai'anae 'Olelo Community Media Center, so I take no offense if you were to assume that I grew up in Wai'anae 'Olelo.

Despite my length of time with the organization, the value of public access was not made clear to me until it was recently threatened throughout the state. As I'm sure you are already aware of, 'Olelo Community Television has been fighting the RFP Process for nearly two years now, and I along with my fellow interns have been standing with them in the fight. A lot of people feel that this RFP Process would be a good thing, but I severely question if it would be for the "greater good". While those in opposition of the services that 'Olelo offers have been determined in pointing out all of the organization's flaws, I believe it is more important to look past the things that tempt us to ridicule the way ('Olelo) we receive something as wonderful as free speech through public access, and to focus on the bigger picture: getting our voices heard. It's why 'Olelo exists in the first place, after all. Not because of some agreement between the people and Oceanic Cable, and certainly not because it was something "cool" to have around. Those certainly aren't the bigger picture. 'Olelo exists for the people of O'ahu; to be seen, to be heard, to be free in voicing their opinions.

It took me five years to realize how lucky we are to have public access and community television. It took me five years to realize how lucky the people of O'ahu are to have 'Olelo! As a resident of Wai'anae, I believe that I can speak for a large portion of my community when I say that this is an organization cherished by the people as one of our own family members. And as an example, when family members make mistakes throughout their lives or when they make bad choices, it is not the Hawaiian way to get rid of the person and put their place in the 'ohana up for bid! The Hawaiian way is to make sure they learn from their mistakes and improve, as there is always room for improvement. Therefore, if 'Olelo loses its contract in a bidding process, how can it fix things and prove to the communities that it is worthy of providing services? I believe S.B. 1789 will offer them that second chance.

In the beginning of this drawn out RFP process, my stance was that in support of 'Olelo Community Television, public access on O'ahu wasn't broken, so there was no need to fix it. Two years later, I still support 'Olelo Community Television, but I am sure that it can be improved despite not being broken. S.B. 1789, I am confident, will give the organization the security it needs to be better. Mahalo for your time.

Naturalee I. Puou: College Intern Manager; 'Olelo Wai'anae
89-1105 Pohakupalena St.
Wai'anae, HI 96792
npouou@hawaii.edu

testimony

From: wildride@maui.net
Sent: Saturday, February 23, 2008 9:28 AM
To: testimony
Subject: SB1789 Testimony from a concerned Public Access citizen

Senator Brian T. Taniguchi, Chair

Senator David Y. Ige, Vice-Chair

Senate Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Neal Snarr
February 23, 2008

Testimony in Support of SB1789, Relating to Cable Access Television.

My name is Neal Snarr and I am a resident of Wailuku, HI. As a Maui County resident, I have witnessed Akaku's commitment to familiarizing members of the Maui community with the tools used in broadcast environments to create content for air on channels 52, 53 and 54. I have seen how easy they make it for nonprofits and others to make their public service announcements, thanks to its "hot" studio that accepts walk-ins on weekday afternoons. The audio/visual professionals they have on staff help teach Maui residents how to prepare and edit their video into a story that can be told on the air. And I have observed how they all wear multiple hats to ensure that they live up to their mission to ultimately "empower the community's voice through access to media."

This is Akaku's service to the community. This is the service that ensures all residents the opportunity to exercise their important First Amendment rights.

Nonetheless, it seems that commercial entities have a hard time understanding the value of this community service, which is why I'm counting on the Hawaii State Legislature to do what is right for local access to cable television.

Senate Bill 1789 is important to me because I believe that PEG Access stations—as independent nonprofit organizations—should not be subject to procurement. A competitive sealed bid process would take transparent review and public input out of the picture. SB1789 would ensure that changes for PEG access would be decided in the open, before the public, and under financially reasonable conditions for PEG access. It would also create clear and minimal guidelines that protect the public's right to participate in deciding what kind of access organization and service we want.

I support SB1789 because it does not change the legislature's policy towards access organizations or access channels, and because it clarifies the legislature's policy for the agency and the public. I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Mahalo.

2/23/2008

testimony

From: johnstonbb@aol.com
Sent: Saturday, February 23, 2008 10:38 PM
To: testimony
Subject: SB1789 Testimony from a concerned Public Access citizen

Senator Brian T. Taniguchi, Chair

Senator David Y. Ige, Vice-Chair

Senate Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Robert Johnston
February 24, 2008

Testimony in Support of SB1789, Relating to Cable Access Television.

My name is Robert Johnston and I am a resident of Kihei, Hawaii. As a Maui County resident, I have witnessed Akaku's commitment to familiarizing members of the Maui community with the tools used in broadcast environments to create content for air on channels 52, 53 and 54. I have seen how easy they make it for nonprofits and others to make their public service announcements, thanks to its "hot" studio that accepts walk-ins on weekday afternoons. The audio/visual professionals they have on staff help teach Maui residents how to prepare and edit their video into a story that can be told on the air. And I have observed how they all wear multiple hats to ensure that they live up to their mission to ultimately "empower the community's voice through access to media."

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I support SB1789 because it does not change the legislature's policy towards access organizations or access channels, and because it clarifies the legislature's policy for the agency and the public. I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Mahalo.

2/24/2008

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair
Senator David Y. Ige, Vice Chair

NOTICE OF DECISION MAKING

DATE: Tuesday, February 26, 2008
TIME: 9:00 am
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

February 24, 2008

Dear Sir,

This is in regards to SB 1789 requesting that PEG Access services be exempt from the competitive bidding process:

"SECTION 1. Chapter 440G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows: 5440G Designation of access organizations; requirements. (a) The director may designate an access organization to oversee the development, operation, supervision, management, production, or broadcasting of programs for any channels obtained under section 440G-8."

I have had the wonderful privilege of being a client of Olelo Community Television for many years. I have seen the growth and development of the services and staff to be that of exemplary standard. PEG Access has a diverse mission that involves community building, nurturing local programming and protecting each individual's First Amendment rights. This access should not be something that is put up for bid.

Through Olelo's years of experience, knowledge and community input, they have developed an outstanding service to the community that I do not want to see jeopardized, hindered or even tampered with (based on the BIAS of the organization to whom the bid is awarded). This risk could change what is now a COMMUNITY SERVICE into a PRIVATE COMMODITY, thereby causing the mission of COMMUNITY television to be thwarted. PEG access should continue to be appointed, and be exempt from the competitive bidding process!

Please hear the voice of the community and SUPPORT SB 1789! Mahalo.

Sincerely,
Dr. Paul Kamanu

Grace In Action Ministries

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair
Senator David Y. Ige, Vice Chair

NOTICE OF DECISION MAKING

DATE: Tuesday, February 26, 2008
TIME: 9:00 am
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

February 24, 2008

Dear Sir or Madam,

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My name is Sabrina Franks and I have had the great privilege of accessing the services and working with the staff of Olelo Community Television for the past two years. It has always been my desire to acquire skills necessary to share a message with my community. The professional and caring staff at Olelo has allowed me to do this, and it has been very rewarding. PEG Access has a diverse mission that involves community building, nurturing local programming and protecting each individual's First Amendment rights. This access should not be something that is put up for bid.

Through Olelo's years of experience, knowledge and community input, they have developed an outstanding service to the community that I do not want to see jeopardized, hindered or even tampered with (based on the BIAS of the organization to whom the bid is awarded). This risk could change what is now a COMMUNITY SERVICE into a PRIVATE COMMODITY, thereby causing the mission of COMMUNITY television to be thwarted. PEG access should continue to be appointed, and be exempt from the competitive bidding process!

Please hear the voice of the COMMUNITY and **SUPPORT SB 1789!** Mahalo.

Sincerely,
Sabrina Franks

Grace In Action Ministries

Ruth Y. Hsu, PhD
Associate Professor of English
University of Hawai'i, Manoa
rhsu@hawaii.edu / 808 595 0186
Producer/Host of Tuff Talk;
Co-founder, Protect Free Speech Public Access TV

TESTIMONY STRONGLY IN FAVOR OF SB1789 SD1
Submitted to Senate Committee on Commerce, Consumer Protection,
and Affordable Housing (CPH)

Hearing Date and Time: Tuesday, February 26, 2008; 9:00 am
Place: Conference Room 229, State Capitol

The procurement process with regard to PEG public access has NOT been conducted openly, fairly, competently, or with integrity by the State bureaucracy.

Over the past two years, I have watched with increasing dismay actions taken by the SPPB and other State bureaucrats that violate State Sunshine laws; I have watched actions and decision-making by these units and individuals based on ignorance of the function of public access television; and I have watched the repeated willful disregard of testimony from the average citizen, testimony that have been overwhelmingly (97% in some instances) in favor of exempting the current PEG public access television/media structure from a very flawed RFP process.

The RFP process in the case of public access television clearly does NOT work.

The average citizen – individuals who cannot afford PR firms, whose concerns are seldom heard or addressed, who are members of traditionally disadvantaged groups – now needs the help of the Legislature to put an end to what has been a shibai process.

Current PEG public access television structure and services are not broken. Why this insistence on the part of the cable regulator and the SPPB to fix what is not broken?

Indeed, the current PEG public access Provider and its services have been rated as second in the nation. The Oahu Provider has evolved for the past 16 years in response to an evolving local community and nation.

Programming truly adheres to the highest standards of freedom of speech and democratic and civil discourse. Individuals won't get turned away because of his/her political opinions, religion, race, sex, ethnicity, national origins, age or physical ability. Programs are the most diverse in the nation. At-risk kids have found a way through public access television services to turn their lives around. High School curricula have been enriched.

The current PEG public access organization contains the best of the "local," of what is quintessentially Hawai'i. The eventual contract derived from this RFP will enable the gradual de-

construction of what the people of Hawai'i and the founding members of this organization (from the Legislature) have been building for about 16 years (see below).

PBS, which does not operate like a public access television organization and which does not reflect very much the local community, received an exemption from the SPPB. This whole situation is really a travesty of good governance.

If nothing else, the proposed contract put together by a staff member of the SPPB should alarm members of this Committee and the Legislature. Clearly, the proposed contract shows that the staff member has no experience whatsoever in television (ABC, CBS, etc.) in general and certainly has no experience with public access television.

Briefly, some of the most troubling aspects of the proposed contract are the following:

1. The proposed contract allows a single individual – the cable regulator – to determine the day-to-day operations of PEG Access television/media throughout Hawai'i or for each of the Public Access providers in the counties of Maui, Molokai, Kauai, Honolulu, and Hawai'i (Hilo and Kona).
2. The PEG access Provider will become a unit in the State bureaucracy. That would go against the most fundamental principle of public access television/media, which is independence from any group, party, corporation, or bureaucracy.
3. The proposed contract enables the "procurement" of substandard PEG services.
4. The proposed contract places the current Provider at a disadvantage and gives the advantaged bidding position to any production company, even one that does not have public access television experience.
5. The proposed contract reveals the State bureaucracy's desire to assume material and financial ownership of what it has no right to.
6. The proposed contract allows a single individual – the cable regulator – to determine if a PEG Access provider has met the Constitutional guarantee of First Amendment Rights. This is equivalent to putting the fox in charge of the chicken coop.
7. The proposed contract will further reduce the apportionment of PEG Access fees to the public (for equipment, for training, for upgrade of equipment and software, etc.).

The RFP process is neither practicable nor advantageous to the people of Hawai'i. The process is seriously flawed; it is prejudiced against the average citizen and against a PEG public access structure that is integral to the local community and that reflects what is best about Hawai'i.

FROM: Stan Michaels, Semi-retired private citizen

STATUS: Former Director of Community Partnerships for the American Lung Association, Former Executive Director of the Epilepsy Foundation of Hawaii, Former Executive Director of the Diamond Head Theatre, Former General Manager of Consolidated Theatres-Waikiki and IMAX, Current public health educator, and 22 year veteran of the television and entertainment industry.

**TO: The Committee on Commerce, Consumer Protection and Affordable Housing
Honorable Senator Russell S. Kokubun, Chair
Honorable Senator David Y. Ige, Vice-Chair**

**The Committee on Tourism and Government Operations
Honorable Senator Clarence K. Nishihara, Chair
Honorable Senator Donna Mercado Kim, Vice-Chair**

**FOR: Hearing, Tuesday, February 26, 2008
9:00 AM
Conference Room 229**

RE: In STRONG support of SB1789 SD1

Aloha Chair Kokubun; Vice-Chair Ige and members of the committee,

I am a private citizen submitting testimony on behalf of myself and over 60 to 70 volunteers that have worked over the past 10 years on 5 different community projects. I am not employed by any of these entities nor for Public Television, however prior to volunteering at Hawaii's PEG's I had 22 years professional experience in the television and entertainment industry.

We wish to remind you that as you work through this legislation please realize that Public Access television...or PEGs are not just facilities, and staffs and managers. We volunteers are also PEG and we have produced effective communication pieces that have benefited the lives of many Hawaii citizens. All of these productions would have been fiscally unfeasible for commercial studios.

Please pass this bill through with an understanding of the enormous contribution made to all our communities by the PEG's overworked, underpaid staffs. Please continually monitor the freedom of the dedicated professionals that try their best to keep an open avenue for individuals and organizations to broadcast their messages.

Thanks for the opportunity to submit this written testimony. I welcome any questions at 230-6675.

**Stan Michaels
225 Kaiulani Ave #602
Honolulu, HI 96815**

The following 2 pages contain support material for this testimony.

In Strong support of SD1789 SD1...continued.

You see, the beauty of Public Access is that anyone can take the free classes offered by PEG's to learn camera use, editing, script writing, and television production. Repeat..these television production classes are free to willing volunteers. Even though I had years of professional experience...I needed to find out how it was done with community volunteers. So, I took all of the classes then volunteered on other productions until I earned the honor of becoming a PEG producer. So, in addition to my formal collegiate education in communication...I was trained by Olelo, no actually I was nurtured by Olelo to create broadcast communication pieces that have made a difference in our community. Because of their skills and even more important...their patience, in the past decade I have been able to accomplish wonderful things for my community.

The Public Access staff has always gone out of their way to help organizations I was representing to craft a program, concept or need and then further assisted us in locating volunteers to get that programming produced and aired. As a result, countless constituents of American Lung, the Epilepsy Foundation, the theatre community and most recently the Micronesian communities received public health information in their own languages and in a manner they could best understand. These are just a few of the enormous benefits received by the state from the dedicated staffs that assist us, the general public, in the community studios.

In the past decade at least 60 to 70 volunteers helped me help our community by serving as camera persons, sound, lights, scene construction, editors and crew. There is not enough time to list all of the things I was able to accomplish in the past decade because of Public Access.

Most recently this past flu season I helped mount a special tri-lingual, Marshallese, Pohnpeian, and English informational video about how to prevent the flu. It was designed cultural appropriate for its message. It was written by Pohnpeian and Marshallese, photographed by Chuukese and Pohnpeian, the sound captured by a retired African American and a Chuukese student, produced and acted by Micronesians and edited by a haole boy and an incredible Japanese American girl. It was done in conjunction with the DOH, federal Block Grant seed money and Olelo. It will save lives.

This most recent Micronesian production was done at Public Access at the Palolo Community Media Center and the pivotal reason it ever got done was the incredible cooperation and dedication of their Public Access staff. Let me add...that many young men and women, who have been unsuccessful at school or at finding their voice, have found careers in our broadcast arena because of the training received at Public Access. That was certainly the case with my most recent crew.

So all I ask is that as you craft this legislation...you remember that Public Access is not just the PEG studios and their staffs...it is also people like me. Understand that in spite of budget limitations and the overworked and underpaid staff...the public access organizations help all of us learn about our world and cultures and they do so with incredible compassion and dedication.

Finally I would like to say a few words about the acrimony that has swirled around these organizations and the DCCA. One doesn't need to be a rocket scientist to see that some entrepreneur saw dollar signs and felt that he or she could make some quick bucks by bidding for the rights to operate public-access studios, hence the recent procurement madness. It is even possible that someone of authority thought it might be a good idea to help them in their quest. The bottom line is that Public Access needs to be free to be public access and not susceptible to the procurement process. I thank you for drafting an exemption for all PEG's.

I can personally confirm that I was on the receiving end of some very distasteful attitude from the DCCA when I testified last year. The disdain for my presence was palpable. However, I do not believe it was DCCA's fault...anymore than I believe it was PEG's fault. I believe it was the lack of understanding as to what role and by what rules each is required to play...that caused confusion and placed DCCA in a position to judge something they do not understand.

I do not purport to fully understand everything that you wish to propose to clarify the relationship of the Public Access organizations and the Director of Commerce and Consumer Affairs. What I can hope is that this legislation enables the continued development of a positive process that will allow the access organizations to do what they do best, and exempts these quasi-state agencies from the procurement process. In that regard you will outline what you expect from them, and safeguard not only the open airways afforded by these wonderful organizations, but the dedication and hard work of their staffs.

Please pass this bill through with an understanding of the enormous contribution made to all our communities by the PEG's overworked, underpaid staffs. Please continually monitor the freedom of the dedicated professionals that try their best to keep an open avenue for individuals and organizations to broadcast their messages.

Thanks for the opportunity to submit this written testimony. I welcome any questions at 230-6675.

Stan Michaels
225 Kaiulani Ave #602
Honolulu, HI 96815

**Former Director of Community Partnerships for the American Lung Association,
Former Executive Director of the Epilepsy Foundation of Hawaii,
Former Executive Director of the Diamond Head Theatre,
Former General Manager of Consolidated Theatres-Waikiki and IMAX,
Current public health educator, and 22 year veteran of the television and
entertainment industry.**

S. Michaels.. testimony SB1789 SD1

David DeLeon

335 Waiama Way
Haiku, Hi. 96708
808-281-3269

February 21, 2008

Honorable Russell Kokubun, Chair
Committee on Commerce, Consumer Protection, and Affordable Housing
State Capitol
Honolulu, Hi. 96813

TESTIMONY: In Support of Senate Bill 1789, SD1

Chair and Members: Thank you for this opportunity to testify in support of Senate Bill 1789, SD1 that would eliminate the imposition of the state Procurement Code in the contracting of PEG Access Television services. While I am testifying as an individual citizen, I also serve as the Maui County representative on the State Cable Advisory Committee.

I am opposed to the imposition of the Procurement Code in the contracting for PEG Access Television services. The Procurement Code is fine when it comes to providing contracts for painters or roofers, but borders on the absurd when it is applied to what is fundamentally a First Amendment issue: the free and unfettered voice of the public to be heard via a free media. Giving government a strong say over who can and who can't provide this media and under what terms, gives government too much of a say in how these community-based agencies can operate. The four operations now serving our counties were created by the communities they serve – not by the state. They were developed with much care and aloha by their host communities over the years into what they are today. The AKAKU Community Television system on Maui has grown and taken an important position in our community's media mix. Our community has learned to count on it. There were a couple of years, not long ago, in which the AKAKU board split over policy and control, but the board has since corrected itself and continues to produce responsible community television programming.

The balance here, as always, is between control and freedom. When it comes to PEG Access, the judgment should come down on the side of freedom. While DCCA should be in a position to make sure the cable access fees are not squandered, its oversight of these operations should be as light as possible. The recent efforts by DCCA to impose its control over these PEG Access agencies have been just the opposite: unnecessarily heavy-handed, resulting in law suits from two of the agencies. While DCCA may believe it is in the state's interest to impose strong controls over the PEG stations, it is definitely not in the interest of unfettered, free speech, the ultimate public interest in a democracy. By eliminating the Procurement process, SB1789, SD1 would be a good first step in protecting that interest.

testimony

From: William Sager [WSAGER@hawaii.rr.com]
Sent: Friday, February 22, 2008 1:51 PM
To: testimony
Subject: support of SB1789 SD1 to CPH, 2/26/08 9am

Testimony submitted in support of SB1789 SD1 to CPH, 2/26/08 9am

Honorable Senators:

Senator Russell S. Kokubun

Chair

Senator David Y. Ige

Vice-Chair

Members:

- Senator Will Espero
- Senator Les Ihara
- Senator Norman Sakamoto
- Senator Brian T. Taniguchi
- Senator Gordon Trimble

I am Bill Sager a resident of Kaneohe and a volunteer at Windward Olelo. Olelo has developed over the years into a state of the art video facility designed to train rank beginners in the techniques of video production. There dedicated staff would be very difficult, if not impossible, to replace.

Olelo is a valuable resource to the communities of Oahu.

PEG Access is not a commodity that should be bought, sold or put up for bid. PEG Access has a diverse mission that involves community building, nurturing local programming and protecting each individual's First Amendment rights.

I have worked with Olelo for the past year. As a forester my interests are in producing video related to conservation and our environment. I have produced such diverse projects as a documentary of a HECO workshop on global warming, a documentary on the volunteer work being done at Waikalualoco fish pond and another on the dedication of Kauwainui Marsh and the recent RAMSAR celebration. There were others including vermicasting and the Hawaii Women's Rodeo Association.

I have spent 100s of hours in the Windward Community College Olelo facility. I have made many good friends and I am continuously amazed at the professionalism, patience and expertise of their staff. They have developed an extremely effective training program in which

they give a brief class and then put you to work editing video. It's a hands on, learn by doing process in which they are constantly running to answer questions from us rank beginners.

In the Hawaiian tradition of education by watching, doing and questioning. Their training program is very effective.

They have state-of-the-art equipment and have invested literally millions of dollars in providing facilities to all of Oahu. Their main offices are at Mapunapuna, but they have satellite offices stretching from Waianae to Waimanalo.

Their staff has amazing expertise, they could work in any major movie studio in the world. To reproduce what Olelo has accomplished over the past two decades would take millions of dollars and years of work to re-establish what they have in place.

Most important to me is that we are an ohana. Staff and volunteers work as a team. Not only to produce video but to help each other and to train young people who, if they choose, can use Olelo as a stepping stone to a career in video.

You can not replace what Olelo has created. Exempting Public, Educational and Government public access services from the competitive bidding process will allow you continue the great organization Olelo has created.

Requiring PEG to go to bid would inhibit investment, destroy continuity and be a terrible waste of an invaluable community resource.

Bill Sager, E.D., Hawaii Conservation Voters
<http://kaukanawai.blogspot.com>
375-1114

testimony

From: cynthiathomet@gmail.com
Sent: Friday, February 22, 2008 3:21 PM
To: testimony
Subject: SB1789 Testimony from a concerned Public Access citizen

Senator Brian T. Taniguchi, Chair

Senator David Y. Ige, Vice-Chair

Senate Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Cynthia Thomet
February 22, 2008

Testimony in Support of SB1789, Relating to Cable Access Television.

My name is Cynthia Thomet and I am a resident of Kihei on the island of Maui. As a Maui County resident, I have witnessed Akaku's commitment to familiarizing members of the Maui community with the tools used in broadcast environments to create content for air on channels 52, 53 and 54. I have seen how easy they make it for nonprofits and others to make their public service announcements, thanks to its "hot" studio that accepts walk-ins on weekday afternoons. The audio/visual professionals they have on staff help teach Maui residents how to prepare and edit their video into a story that can be told on the air. And I have observed how they all wear multiple hats to ensure that they live up to their mission to ultimately "empower the community's voice through access to media."

This is Akaku's service to the community. This is the service that ensures all residents the opportunity to exercise their important First Amendment rights.

Nonetheless, it seems that commercial entities have a hard time understanding the value of this community service, which is why I'm counting on the Hawaii State Legislature to do what is right for local access to cable television.

Senate Bill 1789 is important to me because I believe that PEG Access stations—as independent nonprofit organizations—should not be subject to procurement. A competitive sealed bid process would take transparent review and public input out of the picture. SB1789 would ensure that changes for PEG access would be decided in the open, before the public, and under financially reasonable conditions for PEG access. It would also create clear and minimal guidelines that protect the public's right to participate in deciding what kind of access organization and service we want.

I support SB1789 because it does not change the legislature's policy towards access organizations or access channels, and because it clarifies the legislature's policy for the agency and the public. I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Mahalo.

testimony

From: spectekula@gmail.com
Sent: Friday, February 22, 2008 4:02 PM
To: testimony
Subject: SB1789 Testimony from a concerned Public Access citizen

Senator Brian T. Taniguchi, Chair

Senator David Y. Ige, Vice-Chair

Senate Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Sara Tekula
February 22, 2008

Testimony in Support of SB1789, Relating to Cable Access Television.

My name is Sara Tekula and I am a resident of Makawao, HI. As a Maui County resident, I have witnessed Akaku's commitment to familiarizing members of the Maui community with the tools used in broadcast environments to create content for air on channels 52, 53 and 54. I have seen how easy they make it for nonprofits and others to make their public service announcements, thanks to its "hot" studio that accepts walk-ins on weekday afternoons. The audio/visual professionals they have on staff help teach Maui residents how to prepare and edit their video into a story that can be told on the air. And I have observed how they all wear multiple hats to ensure that they live up to their mission to ultimately "empower the community's voice through access to media."

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I support SB1789 because it does not change the legislature's policy towards access organizations or access channels, and because it clarifies the legislature's policy for the agency and the public. I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Mahalo.

2/22/2008

testimony

From: llcoburn@hawaiiantel.net
Sent: Monday, February 25, 2008 1:21 PM
To: testimony
Subject: SB1789 Testimony from a concerned Public Access citizen

Senator Brian T. Taniguchi, Chair

Senator David Y. Ige, Vice-Chair

Senate Committee on Commerce, Consumer Protection and Affordable Housing (CPH)

Lynne Coburn
February 25, 2008

Testimony in Support of SB1789, Relating to Cable Access Television.

My name is Lynne Coburn and I am a resident of Honolulu, HI 96815. As a Maui County resident, I have witnessed Akaku's commitment to familiarizing members of the Maui community with the tools used in broadcast environments to create content for air on channels 52, 53 and 54. I have seen how easy they make it for nonprofits and others to make their public service announcements, thanks to its "hot" studio that accepts walk-ins on weekday afternoons. The audio/visual professionals they have on staff help teach Maui residents how to prepare and edit their video into a story that can be told on the air. And I have observed how they all wear multiple hats to ensure that they live up to their mission to ultimately "empower the community's voice through access to media."

This is Akaku's service to the community. This is the service that ensures all residents the opportunity to exercise their important First Amendment rights.

Nonetheless, it seems that commercial entities have a hard time understanding the value of this community service, which is why I'm counting on the Hawaii State Legislature to do what is right for local access to cable television.

Senate Bill 1789 is important to me because I believe that PEG Access stations—as independent nonprofit organizations—should not be subject to procurement. A competitive sealed bid process would take transparent review and public input out of the picture. SB1789 would ensure that changes for PEG access would be decided in the open, before the public, and under financially reasonable conditions for PEG access. It would also create clear and minimal guidelines that protect the public's right to participate in deciding what kind of access organization and service we want.

I support SB1789 because it does not change the legislature's policy towards access organizations or access channels, and because it clarifies the legislature's policy for the agency and the public. I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Mahalo.

2/25/2008

testimony

From: jeff garland [digitaleye@hi808.net]
Sent: Monday, February 25, 2008 1:28 PM
To: testimony
Subject: CPH TESTIMONY SB 1789 02/26/08 9 a.m. room 229

CPH TESTIMONY SB 1789 02/26/08 9 a.m. room 229

Aloha Chair Kokubun, Vice Chair Ige, and Senators Espero, Ihara, Sakamoto, Taniguchi and Trimble,

My testimony is in strong opposition to SB 1789 in its current form as it removes any possibility for competition for our Free Speech providers effectively removing any incentive for incumbent providers to improve. I see no compelling reason to exempt PEG contracts from State Procurement Law. You are all aware that the current PEGs were created by the State and then designated by DCCA in violation of their own statute, HRS 440g. The legislature and DCCA have failed to make clear in any applicable law, rule, order or contract that the intent of Public Access Television is for First Amendment purposes. Perhaps it is finally time for you all to make that point clear by adding the appropriate language to HRS 440g instead of exemption language. Competition is good in a Democratic society. If you do not believe so, then please do not compete again once your term expires.

Attached is my proposed concurrent resolution for an audit of the DCCA Cable Television Division which I am requesting you all introduce. I wish for it to be considered as part of my testimony as it substantiates why no competition is wrong. As you read the testimony in support of this anti free speech, anti free choice legislation, keep in mind the majority of it is from PEG Corporation staff, school children, and specially facilitated benefactors of the current PEGs. Please ask why the PEGs didn't ask the thousands of clients that no longer utilize them to testify. Also ask why none of their requested testifiers see no benefit at all in competition.

"Passive acceptance of the teacher's wisdom is easy to most boys and girls. It involves no effort of independent thought, and seems rational because the teacher knows more than his pupils; it is moreover the way to win the favour of the teacher unless he is a very exceptional man. Yet the habit of passive acceptance is a disastrous one in later life. It causes man to seek and to accept a leader, and to accept as a leader whoever is established in that position." *Bertrand Russell*

Per Hawai'i state legislature's standard of performance, I fully expect you to pass this measure to make what has been done wrong now become acceptable, and to preserve your exceptional treatment by the incumbent providers. A vote in favor of this legislation is a vote in favor of keeping Hawai'i in its consistent last place positions in educational endeavors and communication technologies, not to mention critical thinking.

Do not pass this measure.

Sincerely Disgusted,

Jeff Garland

attachment: <http://hpam.hi808.net/dcca/CATVauditRESO/>

2/25/2008

testimony

From: Z T [localgalhi@yahoo.com]
Sent: Monday, February 25, 2008 2:22 PM
To: testimony
Subject: S.B. NO.1789S.D. 1

Aloha Senators,

I am just one of the many producers at Olelo Community Television and am asking for your assistance in passing S.B. No. 1789 S.D.1, in exempting the PEG access stations from the Procurement process. I'd like to share my brief history with you. I have a background of still photography, and for the last 14 years been a caregiver for my elderly handicapped mother.

It wasn't until 2003 when I was told that I couldn't touch a video camera because I was not "certified" by a couple of the elders in my previous church. So I did my research and found out that Olelo would train me so that I could be "certified". I am now proud to say that I am certified as a producer, camera person (pd 150, pd 170 and dsr 300), editor, feather pack, studio (lights, camera, control room) and have 14 programs that I have personally produced and approximately 25+ programs that I have assisted on. Yes, I have taken my mother to all the classes and production shoots.

Some of the shows that I have been or continue to assist on are "Community Focus with Sen. Nishihara", "Legislative Talk", "Women's History Month", "Celebrate Kaneohe", "D.A.R.E.", "The Awakening", "Neighborhood Works Training", "Black History Month", "Memories and Places (in Hawaii that are significant to Japanese Americans)" and many others.

Without the excellent training and assistance from the staff at Olelo, I would not be able to do all these projects. They would sit and mentor you one on one on any equipment or in editing. They also offer mini-studio or executive productions to those who don't want to go through the training but wants to get their message out to the community. The staff at Olelo has always been very supportive, patient and helpful on all my projects, as well as reminding me to feed my mother when I forget about the time while in the edit bays.

I am asking that you support this bill S.B. No. 1789 S.D.1 that would exempt Olelo and other PEG access stations from the Procurement process. By exempting the PEG access stations from the Procurement process, I know that the quality of assistance, training, equipment and access that Olelo provides will remain in tact. If the PEG access stations are not exempt, and by chance that someone else wins the bid, will you as law makers be able to guarantee me as well as other producers that we will receive the same type of training, same type of service (use of studio, equipment or support), same locations of the media centers for us to use, or the same type of friendly environment? Olelo is not just a place where we take our tapes in to be aired on

2/25/2008

television....we are Ohana with Olelo, we are the voice, we are the vision...we are Olelo COMMUNITY Television.

Thank you for your time and I ask for your support in exempting Olelo.

Mahalo a nui loa,

Zoe Tanaka

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