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TO THE HOUSE COMMITTEE ON FINANCE

THE TWENTY-FOURTH LEGISLATURE
Regular Session of 2008

March 26, 2008, Agenda 3
12:30 p.m.

TESTIMONY ON S.B. No. 1789, S.D. 2 - RELATING TO CABLE TELEVISION SYSTEMS.

TO THE HONORABLE MARCUS R. OSHIRO, 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 generally supports the intent of this bill to exempt the designation or selection of public, educational, and governmental ("PEG") access organizations from the State's Procurement Code ("Code") in Hawaii Revised Statutes ("HRS") chapter 103D, but has comments and questions on the bill.

1. Background

For many years, the Department has had existing contracts with four 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. These four 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 that are paid by cable subscribers pursuant to the Department's cable television franchise orders (e.g., Olelo receives over \$4 million dollars annually for access operating fees and more than \$800,000 per year for facilities and equipment under these franchise orders; thus, over the past fifteen years, Olelo has received approximately \$51 million in access operating fees from the cable operators, and more than \$9 million in capital fund payments for facilities and equipment). To date, the current PEG access organizations have accumulated considerable financial assets, facilities, and equipment based upon the fees paid by cable subscribers. However, under the Department's current contracts with the PEG access organizations, these

financial assets, facilities, and equipment revert to the Department when the contracts are terminated.

In late 2005, the Department was advised that its contracts with the PEG access organizations were subject to the requirements of the Code. The Department then sought an exemption for the PEG contracts from HRS chapter 103D from the State Procurement Office ("SPO"). SPO declined to grant a permanent 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. After twice going out for public comments on drafts of the RFP, the Department issued the final RFP on July 30, 2007.

Within a short time after being issued, some of the PEG access organizations filed protests against the RFP. Once filed, these protests stayed the RFP pursuant to the Code.

Akaku subsequently 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 E. August determined that the method and criteria to designate or select 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. The Department is prepared to take its proposed rule to public hearing, but in view of the progress of this bill and House Concurrent Resolution No. 358, is awaiting the results of this legislative session before doing so.

2. Comments

This bill allows the Department to designate access organizations to oversee the development, operation, supervision, management, production and broadcasting of PEG programming on access channels; provided that among other things, that the designation shall be exempt from the Code. 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. The Department is committed to the provision of PEG access services in the State, and the management, operation, and cablecasting of programs on the PEG channels. While the Department's actions (historically renewing the contracts directly and requesting an exemption from SPO) have recognized the unique nature of PEG access 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 to the PEG access services contracts.

While the public procurement process changes the method the Department has utilized when designating and selecting a PEG access organization, public procurement will open up the PEG access services contracts to competition from other entities. This may result in improved and/or increased access services to cable subscribers in the State. For example, a contractor might continue to provide current service levels but at a lower cost which would result in reduced fees assessed to cable subscribers. Or, a contractor might provide increased service levels at the current cost. These results may be accomplished as a result of access providers' improved efficiency, increased productivity and resourceful innovation, or there may be an entity that can provide PEG access services better and be more innovative than at present.

However, 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 access services contracts though, it needs to do more than exempt the contracts from HRS chapter 103D in light of the Department's continued obligation to award the 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 an HRS chapter 103D-like procedure to award the PEG access services contracts. If this is not consistent with the Legislature's intent, the Department needs to know that.

Additionally, before the Legislature passes this measure, the Department would like to inform the Legislature of at least one PEG access organization's position regarding the PEG financial assets, facilities, and equipment.

While developing the RFP, the Department asked the PEG access organizations to provide an inventory list of their financial assets, facilities, and equipment that were funded or purchased with the fees paid by cable subscribers. The Department requested this information because these financial assets, facilities, and equipment are provided to the entities that provide PEG access services in the State for use by the public. If new entities are selected, it is the Department's intention that these financial assets, facilities, and equipment would be provided to these new entities so that they do not have to start from "scratch" and so that PEG access services provided to the public are not interrupted. Thus, the Department intended to attach the inventory lists to the RFP and inform prospective bidders that the inventory would be provided to the selected bidders.

When questioned by the PEG access organizations about the use of the inventory lists in the RFP, the Department explained that the inventory that was funded or purchased with the fees paid by cable subscribers reverts to the Department upon termination of the PEG access services contracts pursuant to the terms of the current contracts. Although the PEG access organizations eventually provided their inventory lists to the Department, at least one PEG access organization has taken the position that those facilities and equipment belong to that PEG access organization, not the Department. Additionally, that same PEG access organization has informed the Department that if the Department wants those facilities and equipment, the Department must pay "just compensation" to that PEG access organization. The Department strongly disagreed and continues to disagree with this PEG access organization's position on the ownership of the PEG financial assets, facilities, and equipment upon contract termination. Depending on the results of this legislative session, the Department and one or more of the PEG access organizations have made plans to take this issue to mediation, in the hopes of resolving it short of formal litigation.

Two PEG access organizations initially stated that the PEG financial assets, facilities, and equipment revert to the Department upon contract termination; however, after learning of the other PEG access organization's position that that PEG access organization owns all of the financial assets, facilities, and equipment, at least one of these PEG access organizations has reserved its right change its position. The fourth and final PEG access organization has agreed that some of the financial assets, facilities, and equipment revert to the Department and some belong to the PEG access organization (although it has not been able to identify which financial assets, facilities, and equipment revert to the State and which belong to the PEG access organization).

3. The Department's Position on the Bill

The Department believes that the above positions taken by the PEG access organizations regarding the ownership of the PEG financial assets, facilities, and equipment upon contract termination are very important for the Legislature and public to be aware of as part of this and any related proposal.

Nevertheless, the Department generally supports the intent of this bill because we previously requested an exemption from the Code for the PEG access services contracts. Before proceeding though, the Department asks for further guidance as to how to designate or select PEG access organizations in light of the statements in SSCR No. 2383.

4. Questions

If the Legislature intends to pass this bill, the Department respectfully requests that the Legislature consider and provide guidance on the following:

- a. If the Legislature believes the PEG access services contracts should be exempt from the Code, can the Department utilize a process that fosters or results in any sort of competition to designate or select PEG access organizations?
- b. Can that alternative process include some of the procedures specified in the Code, or does the Department need to come up with totally new procedures (i.e., start from "scratch")?
- c. If the Legislature does not want a process that fosters or results in competition, does the Legislature want the Department to utilize a process that incorporates any specific criteria or evaluation factors?
- d. Should the Department's process involve public notice of its intent to award the contract(s)?
- e. Does the Legislature want the contracts with the PEG access organizations to be perpetual or lifetime contracts, subject only to termination for cause?
- f. If the contracts for the current access organizations are perpetual or lifetime contracts, subject only to termination for cause, what does the Legislature believe might constitute "cause"?
- g. If the contract is cancelled or terminated, how does the Legislature envision that a successor PEG access organization be designated or selected?

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.

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

LINDA LINGLE
GOVERNOR

AARON S. FUJIOKA
ADMINISTRATOR



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TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
HOUSE COMMITTEE
ON
FINANCE

March 26, 2008

SB 1789, SD 2

RELATING TO CABLE TELEVISION SYSTEMS.

Chair Oshiro, Vice Chair Lee and committee members, thank you for the opportunity to testify on SB 1789, SD 2. 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.

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair
Finance Committee
House of Representatives of the State of Hawai'i

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

Wednesday, March 26, 2008 (Agenda #3, 12:30pm hearing)

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 segregating 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 with an amendment to correct the effective date upon its approval. 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 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.

Ruth Y. Hsu, PhD
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Producer/Host of Tuff Talk;
Co-founder, Protect Free Speech Public Access TV

TESTIMONY STRONGLY IN FAVOR OF SB1789 SD2/SSCR2728
Submitted to House Committee on Finance (FIN)

Hearing Date and Time: Wednesday, March 26, 2008; 12:30 pm
Place: Conference Room 308, State Capitol

For more than two years, I have watched with increasing alarm actions by the SPPB and other State bureaucrats that violate State Sunshine laws; I have watched actions from these units that shows a deplorable lack of commitment to the invaluable role of public access television in ensuring our freedom of speech and access to diverse points of view – the cornerstone of a healthy democracy.

I also have watched the same bureaucrats repeatedly disregard testimony from the average citizen, testimony that have been overwhelmingly 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 has NOT been conducted openly, fairly, competently, or with integrity by the State bureaucracy, thereby forcing the average citizen now to appeal to our legislators, adding more work to your very hectic schedules.

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 become increasingly responsive over the past 16 years to the needs of our local community.

Olelo 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 working in Olelo community media centers to turn their lives away from gangs and drugs or from dropping out of high school. High School curricula have been vastly enriched by what Olelo has offered.

Olelo community television truly exists to serve the people.

The current PEG public access organization contains the best of the “local,” of what is quintessentially Hawai’i. However, 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, which is essentially different from commercial television stations.

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 to provide freedom of speech.
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.

David DeLeon

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

March 24, 2008

Honorable Marcus Oshiro
Committee on Finance, House of Representatives
State Capitol
Honolulu, Hi. 96813

TESTIMONY: In Support of Senate Bill 1789, SD2

Chair and Members: Thank you for this opportunity to testify in support of Senate Bill 1789, SD2 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, SD2 would be a good first step in protecting that interest.

FINTestimony

From: jdixiewright@usa.com
Sent: Monday, March 24, 2008 6:28 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

J. Dixie Wright- Scheller

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is J. Dixie Wright- Scheller and I am currently a resident of Kihei, 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

FINTestimony

From: Maxdiliberto@gmail.com
Sent: Monday, March 24, 2008 6:35 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Max Diliberto

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Max Diliberto and I am currently a resident of Kahului, 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

FINTestimony

From: netra@maui08.com
Sent: Monday, March 24, 2008 7:07 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Susan Halperin

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Susan Halperin and I am currently a resident of Kahului 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. These are services Akaku provides to ensure 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.

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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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

FINTestimony

From: BUD [mauibud@maui.net]
Sent: Monday, March 24, 2008 7:06 PM
To: FINTestimony
Subject: I support SB1789

Aloha

This is Bud Clifton. In 1985 or 86, I was asked to lead an organization called " The Maui Film and Video Group". The purpose of that organization was to work with Hawaiian Cable Vision, the State of Hawaii and Mayor Hannibal Tavares to establish a public access TV entity here on Maui. We were successful in creating Akaku.TV.

It is important that American citizens have a venue to express their political points of view. No matter how far out those views might be. Artists need a place where they can learn their trade. Communities need a public forum where children can do Hula or play music. Churches can exercise their mission of outreach. A non-commercially controlled place where citizens can point out safety problems that are ignored by elected officials. Or confront those elected officials when they have failed to do their duty.

Public access TV is the modern day equivalent the town square where Americans can exercise their Constitutional right of free speech, without limitations. I am speaking of view points ranging from communist to fascist. Democrat to Republican. Christian to atheist. Ballet to break dancing. Every race and every point of view. In other words America.

If free speech is the mission of public access TV, then the public should determine who manages that public resource. Not ambitious politicians or those with self personal agendas that would interfere with a public resource that The Congress of The United States and concerned citizen like myself established back in the 1980's.

In a community such as Maui County. A place that has no locally produced TV news Akaku public TV is a counter balance to the void of local news in America. Because of these reasons I am supporting SB 1789.

Mahalo

Bud Clifton .

FINTestimony

From: Randy Mills [randomdevo@gmail.com]
Sent: Monday, March 24, 2008 7:17 PM
To: FINTestimony; Rep. Marcus Oshiro
Subject: IN SUPPORT OF SB1789

Finance Committee Chair Marcus Oshiro and Members of the Finance Committee,

I am writing to you in support of SB1789 and to say that a democracy built upon the ill intentions of a few misguided leaders is no longer a democracy and begins to resemble the very forms of government we now call terrorists. I am in FULL SUPPORT of SB1789 and favor the open, participatory process that our government is supposed to offer us, its trusting and hard-working citizens, for choosing Public Access Television Stations here in Hawaii..

Finance Committee Chair Oshiro and members of the Finance Committee, please pass this bill for the citizens of our great state of Hawaii and do your due diligence in protecting our rights as participants in a process that has far too often failed us. I trust you will do what is right in your hearts.

--
Randy Mills\
Random Developments\
PO BOX 81494\
Haiku, HI 96708\
(808) 280-8541\
rmills@randomdevelopments.com\
www.randomdevelopments.com}

FINTestimony

From: dok@riseup.net
Sent: Monday, March 24, 2008 7:29 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Pete Doktor

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

Aloha `aina. My name is Pete Doktor, a resident of Honolulu, Hawai`i (Marcus- I've met you through Maile Shimabukuro many years ago at the Okinawa Center). As a active citizen and public education instructor, I recognize the importance of community television as a essential resource for the community, and for the realization of democracy. `Olelo TV has been essential in training youth and teachers to produce community media, and to provide a forum for community voices and issues. I used to underestimate the power of community television! Two examples: 1) often various students will say they saw me on community television. I asked them why they were watching community television, for which they reply they were surfing channels and stopped to see familiar faces and voices, covering programming unique to citizens of Hawai`i. 2) I was once hospitalized for several weeks in Tripler Hospital when they botched my operation as a military veteran. Stuck with nothing but television to watch, I was shocked to find out that military commanders had banned community television like `Olelo from the bases, preferring other imported programming on stations Ch. 52, 53, 54, etc. I realized that this was to shelter soldiers from critical community forums and programs that sometimes educate and address local concerns of military domination in our state, and that the need for a televised community forum like community television is essential, if we are to operate in the spirit of a democracy led by citizen concerns. Nonetheless, it seems that commercial entities have a hard time understanding the value of this community service, which is why Im 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 legislatures policy for the agency and the public. I urge the Hawaii State House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo nui loa. E Malama Pono!

FINTestimony

From: Ashesofpepper@yahoo.com
Sent: Monday, March 24, 2008 8:10 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Chris Fagerlund

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Chris Fagerlund and I am currently a resident of Kahului, 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

FINTestimony

From: jonthebru@gmail.com
Sent: Monday, March 24, 2008 8:15 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

John Bruce

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

I am John Bruce; Chairman of the Akaku Maui County Community Television Board Of Directors, a resident of Haiku, Maui, Hawaii. I have personally witnessed Akaku's commitment to familiarizing members of the Maui community with the tools used in broadcast environments to create content for air on Akaku's 3 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 on staff teach Maui residents how to prepare and edit their video into a story that can be told on the air. The Akaku staff all wear multiple hats ensuring that Akaku lives up to its mission to empower the community's voice through access to media. Akaku provides these services to ensure all residents of Maui county the opportunity to exercise their important First Amendment rights for any reason they feel necessary.

Some individuals and institutions do not understand 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 for Hawaii residents.

Senate Bill 1789 is important because PEG Access stations (as independent nonprofit organizations) should not be subject to procurement. (I have actually done RFP's as a Maui County employee so I feel I understand the process.) A competitive sealed bid process takes transparent review and public input out of the picture. SB1789 ensures 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 our culture deserves. In my opinion, Community Access entities should be autonomous from government, corporate or religious influence, though all these institutions are free to take part in the dialog within the realm of free speech.

SB1789 does not change the legislature's policy towards access organizations or access channels, indeed it clarifies the legislature's policy for the agency and the public. I urge the Hawaii State House Of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

3/25/2008

FINTestimony

From: hokuokekai50@msn.com
Sent: Monday, March 24, 2008 8:37 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Mary Lacques

61-131 Punalau Pl Hale'iwa HI 96712 March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Mary Lacques and I am a resident of Hale'iwa Hawai'i. As an O'ahu County resident, I have witnessed Olelo's commitment to providing our community with a professional vehicle for creating quality content for air on channels 49, 52, 53,54, 55 and 56. Various non-profits that I have worked with have received services to create public service announcements, set up and record events crucial to educating and activating our North Shore community. I am always impressed by the staff at Kahuku, Waialua and Wai'anae Olelo. These service providers ensure all residents the opportunity to exercise their important First Amendment rights.

I am confident that you at the Hawaii State Legislature will do what is right for local access to cable television. Please keep the commercial entities away from OUR, we the people's public access.

Senate Bill 1789 is important for Hawai'i because I believe that PEG Access stations should not be subject to procurement. SB1789 would ensure that changes for PEG access would be decided 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 legislatures policy for the agency and the public. I urge the Hawaii State House of Representatives to pass SB1789 SD 2.

Mahalo,

Mary Lacques

FINTestimony

From: rachelle quinn [qrachelle@hotmail.com]
Sent: Monday, March 24, 2008 9:03 PM
To: FINTestimony
Subject: support Bill SB1789

Aloha,

I am writing to ask you to support Bill SB1789. All of my life I have been watching public access television and it has influenced me greatly. I have spent many worthwhile and educational hours watching documentary films which has catapulted me into my current endeavour as a documentary film maker. Public access is vital in a community to express our values and interests. If Hawaii was without public access television it would honestly be less enjoyable for me to live on Maui. I have taken classes at AKAKU Maui Community Television and gone on to produce content. This experience means a lot to me personally and to my fellow producers who have a passion for creativity and the medium. PLEASE SUPPORT BILL SB1789. Government officials are elected to support the will of the people and make it be a reality. Here is a chance to do so by listening to our voices and continuing to give us public access television - it really means so much.

Thanks,

Rachelle Quinn
Haiku, Maui

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FINTestimony

From: Darla Palmer [alohamandm@yahoo.com]
Sent: Monday, March 24, 2008 9:28 PM
To: FINTestimony
Subject: Support of SB 1789

Senator Clarence K. Nishihara, Chair
Senator Donna Merado Kim, Vice Chair
Tourism and Government Operations Committee

March 24, 2008

Aloha,

This testimony is in support of SB1789 relating to Cable Television Systems; Access Organizations; and a Cable Advisory Committee.

My name is Darla Palmer. I was hired to do the initial start-up and management of Akaku: Maui Community Television. I worked hand in hand with the DCCA and the cable operators in establishing a 501c3 nonprofit organization, and ultimately a board of directors, to oversee the development, operation, supervision, management, production, and broadcasting of programs on public education and government (PEG) channels obtained under section 440G-8. I was the executive director of Akaku for its first five years.

Pardon my oversimplification, but it seems SB1789 will reinforce why and how these organizations were set up in the first place. The DCCA ensured that the bylaws of these Hawaii PEG access organizations were set up to be fair to the public, incorporating the vision and regulations of the DCCA Cable Television Division, taking into consideration the interests of the cable operators, who had designated seats on the initial PEG access board of directors, as well as public, education and government representation.

As is the nature of 501c3 nonprofits in general, the value of services to the community is not quantified in dollars. The nonprofit model initiated by the DCCA, with appropriate input from all parties, is a good model to address the needs of the community to access media, communicate and share in an open and equitable manner. On Maui in particular, it is the only consistent form of local television information, providing an invaluable service. If another operator comes up with more cash in a competitive bid process, they will not have the experience and cooperative planning that Akaku and the PEG access operations around Hawaii were built upon.

So, honorable Legislators, please pass SB 1789, and empower the DCCA and the Cable Advisory Committee to continue working with the existing PEG access organizations in Hawaii.

Respectfully yours,

Darla Palmer
808-280-0949

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FINTestimony

From: Francis Kubota [kubotaf001@hawaii.rr.com]
Sent: Monday, March 24, 2008 9:51 PM
To: FINTestimony
Cc: info@olelo.org; Donna Ylen; Neal Rivera; Francis Kubota
Subject: PEG Access

Dear Members of the State of Hawaii, House of Representatives, Finance Committee,

Your support of SB1789, SD2 is requested.

It is of great importance to youngsters, high school students, and kupuna's that this bill, which would exempt all of Hawaii's PEG providers from the procurement process, be passed.

Public, Educational, and Government access programs and classes provide highly useful information to the citizens of our communities. It provides learning and employment opportunities for all of our citizens/residents, as well.

High school students who are introduced into OLELO programs have had an opportunity to learn Camera, Editing and Producer/Director skills. These acquired skills give them the opportunities for employment in the public and private sectors.

I am one of several volunteers from the Kaneohe Community & Senior Center who have received hands-on training on the Sony PD 150 camera. We have had the opportunity to do interviews and camera shoots with people enjoying the Hoolaulea, and at other events on the Windward Community College Campus.

In addition, had it not been for the Windward OLELO office, and it's highly skilled and knowledgeable professional staff, we may not have had the opportunity to further experience learning about the editing process, and finally attempting to become a Producer/Director/Editor.

With the solid support of the Windward OLELO staff, I was able to do a film/narrative production, featuring the Kahaluu Lions Club Vision Screening, a community service project.

I would like to invite members of the Finance Committee, as well as all of the members of the State House of Representatives, to view the film at one of the four times it will be shown on OLELO public Television. The following are the scheduled showing dates, times, and channels.

Thursday, March 27, 2008, 4:00 pm on Channel 52

Friday, March 28, 2008, 7:00 pm on Channel 49

Thursday, April 3, 2008, 4:00 pm on Channel 52

Wednesday, April 16, 2008, 8:30 p.m. on Channel 49

Your strong support of SB1789 SD2 would be greatly appreciated.

MAHALO & ALOHA, Francis Kubota

FINTestimony

From: Tina Lia [tinalia@tinalia.com]
Sent: Monday, March 24, 2008 9:48 PM
To: FINTestimony
Subject: Senate Bill 1789

I strongly support Senate Bill 1789 and Akaku's position as a public access station. The programs airing on Akaku are a direct reflection of the voice, ideas and issues of the people. The professional studio, equipment, coursework and staff allow our community to learn production skills that benefit viewers and the public as a whole. This organization is a vital resource for our islands and must remain in the hands of the people if it is to stay true to its purpose. Please do not allow our public forum to be sold out to the highest bidder. Support freedom of speech and uphold the rights of our community to maintain open access for continued expression and dialogue.

Thank you,
Tina Lia
Maui Resident
Akaku Studio Production Volunteer
tinalia@tinalia.com

FINTestimony

From: patriciablair@msn.com
Sent: Monday, March 24, 2008 9:58 PM
To: FINTestimony
Subject: SB1789

FINANCE COMMITTEE CHAIR, Marcus Oshiro, I support SB 1789, HAWAII RESIDENTS MUST HAVE A SAY IN WHO GETS TO OPERATE PUBLIC ACCESS CHANNELS. Please pass out SB1789. Thank you very much. I very much appreciate the variety of programs on Olelo. Pat Blair, Kailua, Hi. 261-8499

FINTestimony

From: Robert Stiver [stiver-aloah@hawaii.rr.com]
Sent: Monday, March 24, 2008 10:30 PM
To: Rep. Marilyn Lee; Rep. Gene Ward; Rep. Karl Rhoads; Rep. Kymberly Pine; Rep. John Mizuno; Rep. Colleen Meyer; Rep. Joey Manahan; Rep. Michael Magaoay; Rep. Jon Karamatsu; Rep. Sharon Har; Rep. Tom Brower; Rep. Della Belatti; Rep. Karen Awana; Rep. Marcus Oshiro; FINTestimony
Cc: Ramsis and Judy Lutfy
Subject: Hearing on SB 1789, SD2 (Public-Access TV)

To All Concerned:

We are informed that you will hold deliberations on SB 1789, SD2, on Wednesday, March 26. We reiterate our full support of exemption from competitive bidding of O'ahu's Public-Access TV management and operation. 'Olelo Community Television is performing consistently superb services on behalf of its users -- people from all walks of life enjoying the benefits of unfettered freedom of speech/expression and of gaining career-building communications skills.

Please review our comments below and accord them due consideration during the hearing process and the resulting decision.

Mahalo and aloha, Dr. Ramsis G. Lutfy and Robert H. Stiver (four-year dedicated users of 'Olelo's facilities and beneficiaries of its management's and staff's commitment to quality Public-Access TV)

----- Original Message -----

From: Robert Stiver

To: repmoshiro@Capitol.hawaii.gov ; repawana@Capitol.hawaii.gov ; repbelatti@Capitol.hawaii.gov ; repbrower@Capitol.hawaii.gov ; rephar@Capitol.hawaii.gov ; repkaramatsu@Capitol.hawaii.gov ; repmagaoay@Capitol.hawaii.gov ; repmanahan@Capitol.hawaii.gov ; repmeyer@Capitol.hawaii.gov ; repmizuno@Capitol.hawaii.gov ; reppine@Capitol.hawaii.gov ; reprhoads@Capitol.hawaii.gov ; repward@Capitol.hawaii.gov ; replee@Capitol.hawaii.gov

Cc: Ramsis and Judy Lutfy

Sent: Saturday, March 15, 2008 11:56 PM

Subject: Re: Hearing on SB 1789, SD2 (Public-Access TV)

To the Chair, Vice-Chair, and all Members of the State House Finance Committee:

We can imagine no issue more pertinent to a very broad and deep segment of our community than unimpeded continuation of the current management and operation of public-access television via cable subscription. It is our understanding that your Committee must meet, deliberate, and decide on the matter before you by March 20, 2008. We beseech you to expend all energy necessary to do so -- and to rule in a manner befitting your responsibilities vis-a-vis the public trust and public demand: *status quo* (on O'ahu) for 'Olelo Community Television.

We expressed our position regarding SB 1789, SD2 in the below memorandum. We stand by that position and ask that you re-visit it, with urgency.

Mahalo and Aloha,

Ramsis G. Lutfy, Ph.D.
 Robert H. Stiver (Tel. 455-9823)

----- Original Message -----

From: Robert Stiver

To: repward@Capitol.hawaii.gov ; reprhoads@Capitol.hawaii.gov ; reppine@Capitol.hawaii.gov ; repmizuno@Capitol.hawaii.gov ; repmeyer@Capitol.hawaii.gov ; repmanahan@Capitol.hawaii.gov ; repmagaoy@Capitol.hawaii.gov ; repkaramatsu@Capitol.hawaii.gov ; rephar@Capitol.hawaii.gov ; repbrower@Capitol.hawaii.gov ; repbelatti@Capitol.hawaii.gov ; repawana@Capitol.hawaii.gov ; repmoshiro@Capitol.hawaii.gov

Cc: Ramsis and Judy Lutfy

Sent: Wednesday, March 12, 2008 12:29 AM

Subject: Hearing on SB 1789, SD2

Memorandum for Representative Oshiro, Chair, and members, Finance Committee

From: Ramsis G. Lutfy, Ph.D., and Robert H. Stiver; users of the facilities of Olelo Community Television (Mapunapuna main studio)

Distinguished legislators:

It is our understanding that your committee is one of three which must deliberate Senate Bill 1789, SD2, within the coming days. We are vitally involved in and interested in the status, direction, and fate of community-/public-access TV (PATV) on Oahu, and so we are providing the following comments for your consideration. We specifically ask Representative Oshiro, Chair of your Committee, to schedule public hearings for SB 1789 SD2 with urgency, because time is a crucial factor.

We are members of this community -- Dr. Lutfy is retired from the University of Jordan with a subsequent lecturing stint at the University of Hawaii, Mr. Stiver is retired from the Federal civil service. In 2005, we became aware of Olelo Community Television (Olelo)'s capabilities and took advantage of the training offered to become camerapersons, editors and producers of programs regularly aired by us on Olelo cable Channels 49 or 54. Thus, we are entering our fourth year of utilizing the freedom-of-expression mandate given to PATV by the U.S. Congress and the Federal Communications Commission and carried out "on the ground" by Olelo. Our experience has been overwhelmingly one of satisfaction: with the physical plant, the various departments with which we interact, the studio and editing/producing facilities, the administrative and technical staffs, and -- most gratifyingly -- the executive management, which is "hands on" to an extent unprecedented to us in this or any other endeavor. We are, and intend to remain, active and productive in our community, and Olelo has been a blessing to us in that regard.

Olelo has been building its expertise and services to its customers for some 17 years. Those years, among which we are relative newcomers, have been ones of growth, flexible adjustment to meet evolving needs, maturation, and -- above all -- service. Our community on Oahu is the beneficiary: whether they be behind the camera or before the TV set, the people of Oahu enjoy what surely is among the top five PATV systems in the country (we can write so because our activities have led us to become part of a nation-wide network of kindred users of PATV).

We have testified on multiple occasions over the past two years or so on a matter of great significance to us and the community: the future of PATV on Oahu. We have spoken before bureaucrats of the DCCA and the State Procurement Office -- good people all, but we got the sense that they were merely going through the motions of carrying out what was their own interpretation of implementing directives, in a "one size fits all" mindset. We detected hardly any passion for the interests of the people of Oahu. Older folks like us, wonderful young people from Waianae, and a host of PATV users in between were effusive in their support of the philosophy and traditions behind freedom of expression and in admiration of Olelo's expert management of its mission. Just imagine!--those kids in Waianae are off the streets and in the studio; learning a hobby with enthusiasm and camaraderie; and quite possibly laying the groundwork for honorable careers in the crucial field of communication.

Now, we understand that you, via SB 1789, have the opportunity to "exempt" PATV from the constraint of opening the PATV process to "competitive bidding." Competition obviously has its place; but you, distinguished legislators, speak for and on behalf of the community you serve. There is no need or reason to "compete" PATV at this time and for the foreseeable future, as long as Olelo maintains its expert management and execution of the function! We, and the many other users of PATV, monitor Olelo's performance daily; if Olelo needs to be "tweaked," we have every confidence that Olelo management will listen to its users and be as responsive as it has been for many years. If Olelo management were to show signs of becoming less

responsive, it would be the first to know...and, if any consensus change(s) are not implemented by Olelo management, you distinguished legislators will come to know, from us, your constituents, of the facts and circumstances in short order.

Just days ago, we learned of two especially noteworthy elements of Olelo's forward-leaning, professional execution of its mission -- ample proof that it is keeping pace with technology and the provision of superlative service to its community.

--First, we became aware that Olelo's homepage provides the linkage for any viewer -- whether on Oahu, the neighbor islands, across the United States, or around the world -- to see each program, in real time, in a "video streaming" mode. This means that potential viewership for the programs we produce for Olelo's Channels 49 and 54 is increased many times over and beyond the traditional means of TV-set audiences!

--Second, we noted at the website, and confirmed via Olelo management on Tuesday, February 19, that Olelo is testing (with full implementation in June 2008 if the test proves successful) an archival mode, whereby programs we (or any other user) nominate will be placed in an area of accessibility via computer, at any time of a viewer's choosing, at any location and in any venue, worldwide! Should that capability come to pass, as we anticipate, our potential viewership for the programs we produce will be further, exponentially, increased! Needless to say, we are excited and energized by this evidence of Olelo's "public" sensitivities and expertise!

Bottom line: PATV is working and is effective beyond reproach on Oahu. What isn't broken need not be fixed. Please give PATV the exemption from bidding which will allow Olelo to continue to provide efficiently, and expand, the painstakingly acquired excellence of its service for 17 years. Distinguished legislators: Listen to "we, the people" as we advocate continuance of Olelo as PATV provider on Oahu!

Thank you for giving us this opportunity to express our views before your legislative body.

Sincerely, with aloha,

Dr. Ramsis G. Lufy
Robert H. Stiver

Testimony in Support of SB1789 SD2

Chairman Marcus Oshiro
House Committee on Finance
Hearing March 26, 2008 12:30pm
Room 308

Gene Zarro
22 Ulunui Place
Pukalani, Hi 96768
808 385 1197
gzarro_kiheih@yahoo.com

Dear Chairman Oshiro and members of the House Committee on Finance,

I strongly support the passage of SB1789 SD2. Having a voice in who runs our Public Access station is a very natural and integral part of what Public Access TV is all about.

For us on Maui, Akaku is an entertaining and informative TV station.

Our local news from all perspectives is presented in all of its many colors.

Our local talent has a very accessible showcase and in typical Maui Style political views and the candidates that express them have an affordable opportunity to talk to the Maui citizens.

It is a part of the Maui Lifestyle.

So of course we have a vested interest in who runs this enterprise.

I believe that passage of this bill will go a long way in allowing Maui to have a voice in the management of AKAKU in true democratic style.

Sincerely

Gene Zarro

FINTestimony

From: William Sager [WSAGER@hawaii.rr.com]
Sent: Monday, March 24, 2008 10:44 PM
To: FINTestimony
Subject: Support SB1789

Testimony submitted in support of SB1789 SD1 to FIN

DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.

Honorable Representatives:

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

Rep. Karen Leinani Awana
Rep. Della Au Belatti
Rep. Tom Brower
Rep. Mele Carroll
Rep. Faye P. Hanohano
Rep. Bob Nakasone
Rep. Karl Rhoads
Rep. Jon Riki Karamatsu
Rep. Michael Y. Magaoay
Rep. Roland D. Sagum, III
Rep. Gene Ward, Ph.D.
Rep. Colleen Rose Meyer
Rep. John Mizuno
Rep. Joey Manahan
Rep. Sharon E. Har
Rep. Kymberly Marcos Pine
Rep. James Kunane Tokioka

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. Their 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 numerous 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 to 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, Kaneohe HI
375-1114

COMMITTEE ON FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)


Greetings. My name is Daryllin N. Cornelison and I reside on the Waianac 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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

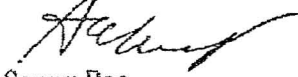
Aloha kakou, I am Ah Ching George Poe, Jr. or Uncle Sonny to everybody. My family and I started as clients at 'Olelo for our church and soon grew to be part of the 'Olelo 'ohana. We are a close knit group that includes everyone we come into contact with once or many times. At the Wai'anae facility that 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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 - RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

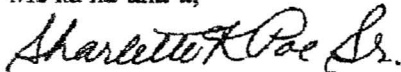
Aloha mai. My name is Sharlette K. Poe, Sr. and I am a resident of Wai'anae, a client of 'Olelo, a parent of a former Wai'anae Media Intern and a kupuna in our church group that utilizes the resources in our community for public access. I am writing in support of SB 1789 and an exemption for the PEG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

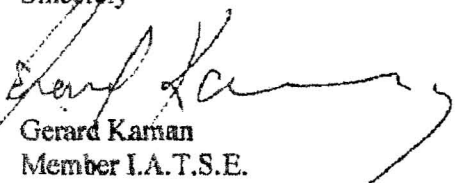
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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 Kaman
Member I.A.T.S.E.

2/9/06

COMMITTEE ON FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 -- RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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

COMMITTEE ON FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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

COMMITTEE ON FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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?

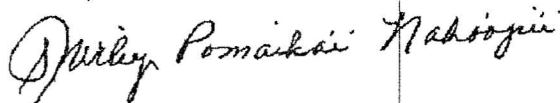
Please come and visit our Wai'anae Olelo Media Center located in the Wai'anae High School and witness our na keiki, ohana, city, state, government personnel, schools, various churches, ethnic organizations, teachers, community leaders, you name them, everybody is involved and participates in Olelo. Olelo 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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

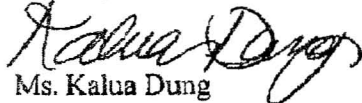
Aloha Chair Nishihara and Committee Members,

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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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 FINANCE

Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
DATE: Wednesday, March 26, 2008
TIME: 12:30 P.M.
PLACE: Conference Room 308

Support of SB 1789, SD2 – RELATING TO CABLE TELEVISION SYSTEMS.
(SSCR2728)

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 then 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

FINTestimony

From: John Witeck [witeckj001@hawaii.rr.com]
Sent: Tuesday, March 25, 2008 9:08 AM
To: FINTestimony
Subject: Please pass SB 1789, preserving Public Access

Dear Finance Committee Chair Oshiro and Finance Committee members.

Now that the Senate has acted in favor of this legislation, it is vital that you pass SB 1789 and save Public Access TV. The bill will ensure that there will be a participatory, fair, and open process in choosing public access stations. Please act and approve this important piece of legislation. Mahalo!
John Witeck, 2252 Puna Street, Honolulu, HI 96817. Phone: 595-7362

FINTestimony

From: Wendy Arbeit [arbeit@hawaiiantel.net]
Sent: Tuesday, March 25, 2008 8:58 AM
To: FINTestimony
Subject: 3/26/2008 SB1789 Agenda #3

TESTIMONY

SB 1789 Wednesday, March 26, 2008, 12:30 P.M - Conference Room 308 - A G E N D A # 3

Aloha Chair Oshiro, Vice Chair Lee, and members of the House Finance Committee,

I am testifying **in strong opposition** to SB 1789. For years monopoly corporation Olelo has run its six-million-dollar operation in the red, for chosen clients, and without public scrutiny. It is funded by what is effectively a tax on cable subscribers but it has sued the State to be able to not tell them how it is spending those funds.

Dysfunction, waste, violation of its own bylaws as well as the laws of the City and county, state, and federal constitution have been its legacy. A public access corporation, it has violated the public's access to free speech on a consistent basis. Look at the statistics for members of the public who have attempted to participate but have been turned off by Olelo's case-by-case style of operating that infringes on their first amendment rights. Over time Olelo has turned from a soap-box for the public to a soap-box for itself through its selected clients and its own productions. By its own admission it has turned from giving the public voice to "building community." Does anyone know what that means? Is this a code for discrimination?

Selection of board members has been controlled by DCCA. It designated UH and DOE personnel as the majority members of earlier boards. During that time the proportion of operating funds shifted inordinately in favor of education. It has now insured that current boards have a preponderance of non-profit representatives. Predictably, funds intended for members of the public are now funneled instead to non-profits.

Do not be fooled by the testimony you have received from students (class projects?) and others who represent non-profit corporations. Those are the recipients of Olelo's selected largesse.

The current procurement code insures quality, innovation, standards, and oversight. Other PEGs across the United States have done far more than Olelo with considerable less funds because they are run by and are responsible to members of the public, not narrow interests -- and how their funds are spent is not hidden. (Did you know that according to Olelo's bylaws not even the DCCA director may ask to inspect its books?) With open bidding, free speech would be insured with current clients accommodated on an even footing with the public at large.

It has been said that DCCA has been unable to write an adequate RFP. In that case it should use the access funds it already has in its compliance resolution funds to hire a professional from the mainland who has the experience to do it properly. Please, DO NOT vote for this measure.

Wendy Arbeit
Honolulu

3/25/2008

FINTestimony

From: THOMAS TAYLOR [sabotom@hotmail.com]
Sent: Tuesday, March 25, 2008 9:28 AM
To: FINTestimony
Subject: SD1789 SD2

ALOHA FROM MAUI,

I AM THOMAS JOHN TAYLOR,
CIO SABO DEVELOPMENT INTERNATIONAL. I AM A LIFETIME ARTIST, OIL-PAINTER/DIGITAL ORIGINAL
CREATION. I HAVE HAD THE OPPORTUNITY TO SHOW SOME OF MY WORK THROUGH AKAKU PUBLIC
BROADCASTING INTERVIEWS. REVIEWS BY LOCAL VIEWERS WERE EXCLAMATIONS OF, "YOU WERE
AN INSPIRATION TO MADE ME BECOME MORE CREATIVE." AND THEY LET THEIR PERSONAL "VAN
GOGH" FREE. THEY LET THEIR TALENT LEAVE A LASTING IMPRESSION. ANY PUBLIC OUTLET THAT
STIMULATES CREATIVITY SHOULD BE SUPPORTED TO THE MAXIMUM ABILITY. ALL ARTS FOR ONE,
ONE'S ART FOR ALL.

ALOHA
SABO

FINTestimony

From: edcollenator@gmail.com on behalf of Ed Coll [coll@kauai.net]
Sent: Tuesday, March 25, 2008 9:42 AM
To: FINTestimony
Subject: TESTIMONY: SB 1789 Wednesday, March 26, 2008, 12:30 P.M - Conference Room 308 -

TESTIMONY

SB 1789 Wednesday, March 26, 2008, 12:30 P.M - Conference Room 308 -
 A G E N D A # 3

Aloha Chair Oshiro, Vice Chair Lee, and members of the House Finance Committee, am strongly opposed to SB1789, SD 2. for the following reasons;

I am testifying in strong opposition to SB 1789.

The current government originated illegally mandated PEG monopoly access providers have failed to allow members of the public first-come, nondiscriminatory access for well more than a decade. Time has come today to break this cycle of failure and empower the public voice by affirming the competitive democratic procurement process to ensure free speech. Oppose SB 1789 on behalf of the public good.

The currents PEGs have a well documented record of discriminating against some users and facilitating others through a process of standardless discretion they euphemistically call "community building." CMPA, the Community Media Producers Association, a grassroots non-profits representing the interests of public access producers, has years of unresolved complaints documenting these discriminatory practices gathering dust on a shelf somewhere in DCCA archives.

The current government originated PEG monopolies misused state mandated public monies to sue the state and exempt themselves from Sunshine Law, and now are seeking to protect their sole-source largess by seeking exemption from procurement law. Please ask yourself, "What public good is served by giving these state originated monopolies an unaccountable, non-competitive, free ride, and exclude other non-profits by statue from competing to provide this crucial public service?"

Keali'i Lopez the executive Director of O'lelo in recent email soliciting support for the exemption wrote, " the services are too complex to be awarded through the RFP process." The complacent find complexity in the simplest tasks. I and many other victims of the current PEG monopolies' standardless discretion assert it is not the complexity of providing first-come, non-discriminatory access that is the problem, but lack of DCCA oversight compelling these monopolies to do so, and the lack of competition from other non-profits which would provide a motivation to improve service. If there is only one game in town it is a safe bet the game is fixed.

Free speech funded using state mandated cable subscriber monies should not be doled out to failed and unaccountable government originated PEGS as a reward for their failure to provide public access.

I urge you to oppose SB1789, SD 2. Give other non-profits a competitive chance to improve public access.

Mahalo

3/25/2008

--
Edward Coll

FINTestimony

From: KatTracksHawaii@aol.com
Sent: Tuesday, March 25, 2008 9:55 AM
To: FINTestimony
Subject: Re: Support for Bill SB 1789

Aloha!

I would like Finance Committee Chair, Marcus Oshiro, to please know that I am in support of Bill 1789- and am hoping he is joining all of us who are in support of participating in the process of Public Access choices! Let's keep the 'public' in Public Access!

Mahalo nui loa for following the publics will!

Sincerely, Kat Tracy

Kat Tracks Hawaii- Production Services
Kristin 'Kat' Tracy
PO Box 790394
Paia, Hawaii 96779
808-572-7158 ph
808-573-1757 fax
808-283-7329 cell

Create a Home Theater Like the Pros. Watch the video on AOL Home.
(<http://home.aol.com/diy/home-improvement-eric-stromer?video=15?ncid=aolhom00030000000001>)

FINTestimony

From: Emily Sullivan [emilyrenesullivan@gmail.com]

Sent: Tuesday, March 25, 2008 10:13 AM

To: FINTestimony

Subject: SB1789

I support SB1789, please pass the bill out of your committee.

FINTestimony

From: Linda Puppolo [linda@akaku.org]
Sent: Tuesday, March 25, 2008 9:42 AM
To: FINTestimony
Subject: FW: testimoy for SB1789

From: Linda Puppolo [mailto:linda@akaku.org]
Sent: Tuesday, March 25, 2008 9:37 AM
To: 'FINTestimony@capitolhawaii.gov'
Subject: testimoy for SB1789

3/25/08

TO: Chair Marcus Oshiro, House Finance Committee

Vice-Chair Marilyn B. Lee, House Finance Committee

RE: Testimony for SB1789

Testimony of Linda Ruth Puppolo

PO Box 218

Puunene, HI 96784

My name is Linda Puppolo, and I am a twenty-five year resident of the beautiful island of Maui. I am the Administrative Services Director of Akaku: Maui Community Television. I support SB1789 and believe that the service Akaku provides to the Maui Community is invaluable.

As the Administrative Services Director of Akaku, I have witnessed first-hand the damage that has been created by the DCCA's RFP process. I have donated countless hours of my own time to fix that damage because I believe in the mission of Akaku. I believe there is a better way to achieve a win-win for everyone. I have also witnessed Akaku's commitment to providing the Maui Community with the service and tools to be able to express their "voice" to all of Maui Nei. This service ensures every resident of Maui County the opportunity to exercise their First Amendment rights. I support this bill because it does not change the legislature's policy towards P.E.G. access organizations but rather it better clarifies the legislature's original intent in creating a policy that serves the residents of Hawaii.

Akaku has provided the following services to the residents of Maui Community including Maui, Molokai, Lanai

3/25/2008

and content about our sister island Kahoolawe:

- Ö Educational programs that include training in Introduction to Television, Studio Production, Field Production and Post Production for both youth and adults in Maui County.
- Ö Educational programs that offer advanced production skills to both youth and adults in Maui County.
- Ö The Molokai Civic Engagement Initiative Project: (2nd phase) Using Media to Build Social Capital and Empower the Underserved Community will be offering beginning and advanced skills classes on the island of Molokai and in the near future to also the rural communities of Hana and Lanai, and to the West Side and the inmates of MCCC.
- Ö Educational programs with partners in the Maui County Community such as Maui County Correctional Center, Aloha House Substance Abuse Programs, Maui Drug Court, Big Brothers/Big Sisters, Maui Economic Opportunity's Best Reintegration Program and the Hui Malama Learning Center.
- Ö Improved Facility Use for Akaku Certified Producers including a full-service Studio.
- Ö Equipment Use for Akaku Certified Producers
- Ö A Media Lab with upgraded editing bays for Akaku Certified Producers
- Ö Video posting support to the internet for Akaku Certified Producers and viewers at large.
- Ö Evening Producer gatherings offering workshops in a wide range of advanced skills training and lively discussions about film and video media.
- Ö A Maui Daily Program that offers opportunities for Akaku Production Staff and Community members to submit timely short pieces for daily broadcasts about events and ideas that concern the broad spectrum of the Maui Community with the ability to reach residents that deserve a voice but will not produce the videos themselves.
- Ö Programming for Non-Commercial Private Production Submittal non-discrimantory and first come first serve.
- Ö The ability for any Maui County resident to speak to any issue of their choice any weekday from 1-3:00pm to be aired on our Maui Daily segments.
- Ö PSA and Media Support for Non-Profits monthly and at their events.
- Ö Offering a venue for series productions including Live Call-In Shows.
- Ö Production for viewing of County Council Meetings, Mayor's Office Conferences and Boards & Commissions Meetings
- Ö Production of a Talk show with the Mayor of Maui County
- Ö Airing of meetings at the State Legislature.
- Ö Increased coverage of marine ecosystem and other environmental issues.
- Ö The utilization of new internet two way video compatibility to improve outreach communication to rural areas.

- Ö Increased focus on film library and asset management.
- Ö Increased focus on grant writing and fund raising to offset the 25% budget reduction due to the education agreement with University of Hawaii and Maui District Department of Education.
- Ö New programming initiatives to service our host culture such as "Hawaiian Fridays".
- Ö Offering the Candidates running for elected offices a venue to speak. All for free.

We perform all of these tasks and more on a very small budget. Akaku was originally created by the DCCA and the Maui Community to setup a safe, nonbiased and effective venue for the community's voice. This directed dream has been realized. Akaku is all about service. A procurement process is created to procure purchased objects; not ideas. A competitive sealed bid process like the kind of RFP the DCCA is proposing would take transparent review and public input completely out of the picture. P.E.G. access stations are independent non-profit organizations; not state agencies. At no time do the Franchise Fees funding EVER pass through the state coffers. The original design works and the truth is that the only reason it is an issue now is because some developers on Maui used pressure when someone said something negative about them on our air. What that gentleman didn't understand is that it is their right to say it and his right to come back and defend his position. A venue for "free speech" should never be controlled. We do not pull programs because they have unpopular content only when the video or audio are not good enough quality. P.E.G. access is completely unbiased.

The damage that has been done to Akaku by this cumbersome process has been significant. P.E.G. access organizations were "mandated" by the DCCA to create a plan to become more self reliant and less dependent on the Franchise Fees citing that someday this benefit would go away and the organizations then may not be viable. Akaku and Olelo did that by purchasing their buildings and trying to build up a plan to comply with this "mandate". In return, the DCCA has threatened to take it away citing that it will revert back to the state if Akaku or Olelo loses the RFP bid. It is very disheartening to know that all the hard work an organization has accomplished could just be discounted and swept away by a poorly written, blind sighted and ineffective RFP process.

Even if we were to win the bid, the following threats also have been made in this process:

- ü A monthly allocation of funds in place of a yearly allocation which would take away any dividend/interest monies that would come from the solid investments that would come from the "mandated" original idea of P.E.G. financial planning. I wonder just who would get all that interest?
- ü More and more audits for us but none for our Educational partners, (Maui Community College and Maui District Department of Education). (We have performed an audit every year for fifteen years that was reviewed and accepted by the DCCA so why this is to be an object of discussion at the state legislature is a mystery to me.)

The truth is that the DCCA helped create a "brand" for public access centers throughout the state and they have flourished. Every organization has problems from time to time but there has never been anything that could not be corrected. The amount of time, money and energy that has been spent on the RFP process will be lost forever. It is now that we need your help.

I am asking for you to support SB1789 as we have supported you in providing a nonbiased venue for you to have a "voice" to be elected or re-elected.

It's time to protect the rights of the residents of Hawaii and let us to continue "empowering their voice through access to media".

I am available to answer your questions. I work directly with the issues of compliance every day and welcome making a better system to serve the residents of Maui County. Procurement is not the answer. I know there is a better way.

Mahalo for your time and consideration.

Most Sincerely,

Linda Ruth Puppolo

Administrative Services Director

Akaku: Maui Community Television

Direct line: 808-873-3436

Cell: 808-870-1503

Email: linda@akaku.org

FINTestimony

From: chilibears@yahoo.com
Sent: Tuesday, March 25, 2008 8:24 AM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Peter A. Sullivan

March 25, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Peter A. Sullivan and I am currently a resident of Pukalani, 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

FINTestimony

From: corraodj@gmail.com
Sent: Tuesday, March 25, 2008 8:18 AM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Darren J. Corrao

March 25, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Darren J. Corrao, and I am a resident of Maui County. 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. 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.

FINTestimony

From: Fiona Leigh [fionaleighmd@gmail.com]
Sent: Monday, March 24, 2008 4:46 PM
To: FINTestimony
Subject: Free Speech and the Right to be informed.

Empowering The Community's Voice through Access to Media

BOARD

[Home](#) | [Services](#) | [Education](#) | [The Akaku Streams](#) | [View Channel Listings](#) | [Downl](#)

Testimony for SB1789, SD2

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-Chair
House Committee on Finance (FIN)

Fiona Leigh MD
3-24-08

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Fiona Leigh and I am a resident of Paia. As a Maui County resident, I have witnessed Akaku's commitment providing all members of the Maui community with access to channels 52, 53 and 54. I have seen how nonprofits and others can make their public service announcements. 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 to ensure that they "empower the community's voice through access to media." These are services Akaku provides to ensure all residents the opportunity to exercise their important First Amendment rights.

Of course commercial entities want to take over the channels. I am counting on the Hawaii State Legislature to do what is right for local access to cable television.

Senate Bill 1789 is important to me becaus 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. SBI789 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 guidelines that protect the public's right to participate in deciding what kind of access

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organization and service we want. Preservation of our right to free speech and our rights in a democracy to be informed is vital in these troubled times.

I support SBI789 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 SBI789 as quickly as possible.

Mahalo.

Fiona J Leigh MD

..... Fiona

Akaku.org

Home
The Maui Daily
Community Calendar
The Akaku Blog

Services

Equipment Checkout
Professional Production
Classes and Education

Education

Field Production
Final Cut Pro
Salons and Workshops

The Akaku Live Streams

Channel 52 Stream
Channel 53 Stream
Channel 54 Stream

FINTestimony

From: Robin Knox [wqcinc@clearwire.net]
Sent: Monday, March 24, 2008 5:05 PM
To: FINTestimony
Subject: in support of SB1789, SD2

I am writing you to support this bill. Please keep access to Akaku available to the people.

Robin S. Knox
Water Quality Consulting, Inc.
728A Kupulau Dr.
Kihei, HI 96753
808-281-6416

FINTestimony

From: sara tekula [spectekula@gmail.com]

Sent: Monday, March 24, 2008 5:08 PM

To: FINTestimony

Subject: In Support of SB1789, SD2

Aloha,

I am a citizen on Maui County, residing in Olinda.

I am also a strong believer in the power of the media to bring communities together in mutual understanding and healthy public discourse.

This is why I write you today, in strong support of SB1789, SD2. This bill would allow for public input in a public issue. As a community member actively involved in my local legislators decisions and actions, I believe that it□s the community that should be able to decide what happens with PEG access TV. It□s bad enough that PEG access funds are passed through the DCCA, where the State is able to make decisions that should be left up to the local community members. At the very least, please pass SB 1789, which would allow me, an educated, engaged public citizen to have a voice in the future of public access in my community.

It is so important that a diverse group of voices are represented from the islands on these PEG channels. That is what they are here for - certainly the corporate cable entities are not creating programming that is made for us Maui residents. Access organizations like Akaku and Olelo provide an invaluable service to the Hawaii community. It only makes sense that the Hawaii community - the end-users of these services - should be heard when determining the future of PEG access.

I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Thank you,

Sara Tekula
Olinda, Maui
Hawai□i

FINTestimony

From: Linda Lindsay [castlelib@hotmail.com]

Sent: Monday, March 24, 2008 5:20 PM

To: FINTestimony

Subject: SB1789

I am writing to urge our legislators to pass SB1789 out of committee.

Sincerely,

Linda J. Lindsay

FINTestimony

From: cynthiathomet@gmail.com
Sent: Monday, March 24, 2008 5:34 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Cynthia Thomet

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Cynthia Thomet and I am currently a resident of Kihei. 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

FINTestimony

From: Tree@hawaii.rr.com
Sent: Monday, March 24, 2008 6:02 PM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Stephen Luksic

March 24, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Stephen Luksic and I am currently 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

Stephen Luksic

FINTestimony

From: Don Sheridan [dybbuk1937@yahoo.com]
Sent: Tuesday, March 25, 2008 12:14 PM
To: FINTestimony
Subject: SB1789

I firmly support this bill and hope you will too.

Don Sheridan
Pukalani, HI

FINTestimony

From: Lance Holter [holter@maui.net]
Sent: Tuesday, March 25, 2008 12:27 PM
To: FINTestimony
Cc: Rep. Marcus Oshiro
Subject: In support of SB1789
Importance: High

March 25, 2008
Chair Marcus Oshiro
FINANCE COMMITTEE
SB1789

I am in favor of SB1789 and what many consider the free speech component of SB1789. Please pass out this important legislation.
We are in favor of open participatory processes in choosing public access stations. The right wing took away the Nation's AM radio and made it ultra conservative and undemocratic. Please do not let the five media giants or ultra conservatives in Hawaii take away our free speech and our Democracy found in the Public Access channels. Keep the process open and public to protect our rights and Democratic Principals.

Lance Holter
Chairman , Maui Democratic party
tele 579-9442
Box 790656
Paia, HI 96779

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

Committee on Finance(FIN)

Jay April

March 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 community asset, not a state asset. It is a fully local "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 thirty 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 being used by the AG, DCCA and SPO to diminish and possibly destroy this valuable public resource.

Hundreds if not thousands of Hawaii residents who have testified on this issue at the legislature, DCCA, before the Public Procurement Board and in Court agree that this form of procurement is wrong for the PEGs. Two Senate committees have found that the procurement process does not work. The Second District Court has also ruled that procurement is not required under the law as the statute 440G clearly states and the record is clear that SPO has already failed miserably in three attempts to use procurement as a method to designate PEGs.

SB 1789 is an elegant way help fix the problem since all this bill really does is open up the process of designating PEGs by making them transparent and accessible to the publics they serve. All we are asking from the legislature is clarification and transparency in order to provide maximum input from the public to ensure proper accountability and oversight for these valuable local community communications resources.

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. The DCCA and 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 its failure to determine that PEG Access organizations are sole source entities in each county. Incredibly, what SPO fails 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 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

FINTestimony

From: Jay April [jay@akaku.org]
Sent: Tuesday, March 25, 2008 1:15 PM
To: FINTestimony
Subject: Testimony in Support of SB1789

Representative Marcus Oshiro, Chair

Representative Marilyn Lee, Vice-Chair

Finance Committee
House of Representatives of the State of Hawai'i

Jay April, CEO and President
Akaku: Maui Community Television

Wednesday, March 26, 2008 (Agenda #3, 12:30pm hearing)

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

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 community asset, not a state asset. It is a fully local "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 thirty 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 being used by the AG, DCCA and SPO to diminish and possibly destroy this valuable public resource.

Hundreds if not thousands of Hawaii residents who have testified on this issue at the legislature, DCCA, before the Public Procurement Board and in Court agree that this form of procurement is wrong for the PEGs. Two Senate committees have found that the procurement process does not work. The Second District Court has also ruled that procurement is not required under the law as the statute 440G clearly states and the record is clear that SPO has already failed miserably in three attempts to use procurement as a method to designate PEGs.

SB 1789 is an elegant way help fix the problem since all this bill really does is open up the process of designating PEGs by making them transparent and accessible to the publics they serve. All we are asking from the legislature is clarification and transparency in order to provide maximum input from the public to ensure proper accountability and oversight for these valuable local community communications resources.

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. The DCCA and 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 SPO fails 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 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.

Ho'ike: Kauai Community Television, Inc.

4211 Rice Street #103, Lihue, Hawaii, 96766 ~ Ph: 246-1556 ~ Fax: 246-3832

House Finance Committee

Marcus Oshiro, Chair

Marilyn B. Lee, Vice-Chair

Re: SB 1789 SD 2

Dear Chairman Oshiro and members of the Finance Committee,

I wish to thank you for scheduling this hearing and giving SB1789 consideration by your committee. For nearly two decades PEG and Public Access, through our cable systems, has provided a significant opportunity and avenue for the expression of free speech and ideas. The result has been an incredible broadening of awareness and understanding on critical issues within each community. Today, I ask for your support and passage of SB1789.

Passage of this bill will take the necessary steps to insure that Hawaii's free speech is not left to the lowest bidder. This bill will recognize that a single system of application does not recognize the unique differences of our islands and in particular the disparity of operating funds available to that community. One size does not fit all when comparing a budget of \$400,000 to one of several millions of dollars.

The State undertook the task of assigning PEG entities during the creation of our system. Through the years each organization has developed a specialized series of operations that is truly unique to that community and serves the needs people. There are no other organizations that provide video production training, computer skills, editing, and the necessary elements of film making. In addition to this hundreds of community organizations have benefited from the training and possibilities that exist in Public Access. Our organization is the only one of its kind on Kauai. I hope that these features are worth protecting for our future generations.

Often times the question of accountability is brought to attention. Currently there is a significant level of accountability through our contract with the Department of Commerce and Consumer Affairs. We all regularly provided audited financial documents. Each year we provide the State with an Annual Activity Report, a Year-End Activity Report, an Executive Summary and an Executive Summary Comparative. Last year a full management and inventory audit was conducted by a third party hired by the DCCA. There is a second one being scheduled now. Considering the financial reporting, operational reporting, and independent reviews and audits of performance the State has a sufficient amount of information detailing how we operate and serve our communities. There is indeed a high level of accountability when you consider that the State can terminate our contract without cause with a simple 30-day notice.

When Public, Education and Government Access were developed for Hawaii the procurement process was not intended to be placed upon the non-profit organizations. There was an intentional effort to keep an arm's length between the State Government and Public free speech. This bill will help to insure that protection and holds State entities at a distance. There have been reviews and recommendations by the State Legislative Reference Bureau as well as a special report prepared for the DCCA that specifically addresses these issues. Procurement of free speech, video education and training, and serving ones community serves no beneficial purpose to our residents. And while many things can be

improved upon this process is not one of them. The unique and specialized characteristics of our PEG operations are not championed by this competitive process.

My one suggestion is that you amend the bill at line (a) to state the Director "shall" rather than "may" designate the PEG organization for each island. Again, I ask that you pass SB1789 – allow our citizens their opportunity for expression and allow the DCCA to continue to provide this service to each of our islands.

Respectfully,

J S Robertson

J S Robertson
Managing Director

FINTestimony

From: Fred Dodge [makuakauka@hotmail.com]

Sent: Tuesday, March 25, 2008 1:55 PM

To: FINTestimony

Cc: Sparky Rodrigues

Subject: SB1789 SD2 House Finance Com., March 26,08 @ 12:30 PM

Aloha Chair Marcus Oshiro & Vice-Chair Marilyn Lee:

My Name is Fred Dodge,MD. I support this bill (SB 1789 SD2).

I completely support the testimony by Olelo for a fair & unrestricted community voice.

Please pass this bill. Mahalo, Fred Dodge

In a rush? [Get real-time answers with Windows Live Messenger.](#)

FINTestimony

From: Michael Duberstein [iliwai34@hawaii.rr.com]
Sent: Tuesday, March 25, 2008 11:39 AM
To: FINTestimony
Subject: SB 1789

Aloha

I strongly support SB1789 and I urge you to move it from your committee to the floor for an up and down vote.

Local access media fill a major public role throughout the state and it is vital that the public rather than the state maintain control over this vital source of information and creativity. What's even more vital is that the process works so that all everyone be involved rather than taking the process behind closed doors.

I look forward to hearing from you and that you will recognize the pono created by public access media.

Malama pono

Michael J. Duberstein
Kihei

HOUSE FINANCE COMMITTEE

Representative Marcus Oshiro, Chair & Representative Marilyn Lee, Vice-Chair

DATE: Wednesday, March 26, 2008
TIME: 12:30 pm
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

March 26, 2008

Dear Representatives,

This is in regards to SB 1789, SD 2: 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, SD2! Mahalo.

Sincerely,
Dr. Paul Kamanu

Grace In Action Ministries

HOUSE FINANCE COMMITTEE

Representative Marcus Oshiro, Chair & Representative Marilyn Lee, Vice-Chair

DATE: Wednesday, March 26, 2008
TIME: 12:30 pm
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

March 26, 2008

Dear Finance Committee,

This is in regards to SB 1789, SD 2: requesting that PEG Access services be exempt from the competitive bidding process:

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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 SB1789, SD2!** Mahalo.

Sincerely,
Sabrina Franks

Grace In Action Ministries

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 Finance
Honorable Marcus R. Oshiro, Chair
Honorable Marilyn B. Lee, Vice-Chair**

**FOR: Hearing, Wednesday, March 26, 2008
12:30 PM Agenda #3
Conference Room 308**

RE: In STRONG support of SB1789 SD2

Aloha Chair Oshiro; Vice-Chair Lee, and members of the Finance 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.

On behalf of those 60 + volunteers unable to attend this hearing, 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 had profound benefits for the lives of many Hawaii citizens. All of these community oriented productions would have been fiscally impossible without PEG's.

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.

For the purposes of brevity only, I end my comments however I have attached two additional pages of supporting material that confirm the type of benefits generated by volunteers using PEG's. Procurement would have destroyed this capacity built over the decades by our community PEG's. 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 SD2...S. Michaels continued.

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

In Strong support of SD1789 SD2...S. Michaels continued.

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.**

FINTestimony

From: Cynthia J. Clark [cynthia@chameleontalent.com]
Sent: Monday, March 24, 2008 3:43 PM
To: FINTestimony; Lahaina Sunrise - Roz Baker
Subject: Senate Bill 1789, SD2

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-Chair
House Committee on Finance (FIN)

Cynthia Clark
3/25/08

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Cynthia Clark from Kula, Maui, Hawaii. I have recently lost my husband, Michael Clark, during his struggle to keep free speech alive while working at Akaku: Maui Community Television. This is the first time I have ever written a government official but I am compelled to write in support of Senate Bill 1789, in his honor.

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." These are services Akaku provides to ensure 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

3/25/2008

clarifies the legislature's policy for the agency and the public. I urge the Hawaii State Senate to pass SB1789 as quickly as possible.

Thank you for your consideration.
Sincerely,

Cynthia Clark

Cynthia Clark
President
Chameleon Talent
PO Box 959
Kihei, HI 96753
www.chameleontalent.com

Tel 808 879-7817
Fax 808 878-8897
Cel 808 269-2828

Past Assistant Governor 2006-7
Rotary District 5000
State of Hawaii
www.rotary.org

FINTestimony

From: Kenny Hultquist [artmusicvideomaui@mac.com]
Sent: Tuesday, March 25, 2008 1:10 PM
To: FINTestimony
Subject: PEG Access

Dear Representative Marcus Oshiro,

As a public access television producer for six years, I would like to see passage of SB1789 (as well as HB3417). These bills are important to me because I believe that non-profit PEG Access stations should remain independent and not be subject to procurement. 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 right to participate in deciding what kind of access organization and service we want.

Over the past six years, I have shot, edited, and submitted over 30 programs to Akaku TV, from childrens art classes and fishing events, many public meetings and public interest programs, local musicians and artists, to important current events relevant to the future of Maui and Hawaii. All because Akaku is there and thriving.

Akaku TV and other PEG access providers ensure that every resident has the opportunity to exercise their important First Amendment rights from my showcasing County legislators who want us to learn about their important initiatives to independent community producers, like myself, who reflect their view of our islands through independently produced videos.

As a voting constituent I applaud you for hearing this bill and would appreciate passage of this bill.

Mahalo.
Kenny Hultquist
POB 1121
Lahaina Maui 96767
808.661.8410

FINTestimony

From: Joseph Daoang [daoangj@hawaii.edu]

Sent: Monday, March 24, 2008 3:51 PM

To: FINTestimony

My name is Joseph Daoang and I am a resident of Kihei, 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." These are services Akaku provides to ensure 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. SBI 789 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 SBI 789 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 SBI 789 as quickly as possible.

Mahalo.

FINTestimony

From: Laura Civitello [lauracivitello@yahoo.com]
Sent: Monday, March 24, 2008 4:08 PM
To: FINTestimony
Subject: SB1789 SB2

I am Laura Civitello and I am a longtime resident of Haiku. 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." These are services Akaku provides to ensure all residents the opportunity to exercise their important First Amendment rights.

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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. Laura Civitello

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<http://www.yahoo.com/r/hs>

FROM : HO'IKE : Kaua'i Comm. TV

FAX NO. : 808 246 3832

Mar. 25 2008 03:19PM P2

Ho'iike: Kauai Community Television, Inc.

4211 Rice Street #103, Lihue, Hawaii, 96766 ~ Ph: 246-1556 ~ Fax: 246-3832

House Finance Committee***Marcus Oshiro, Chair******Marilyn B. Lee, Vice-Chair******Re: SB 1789 SD 2***

Dear Chairman Oshiro and members of the Finance Committee,

I wish to thank you for scheduling this hearing and giving SB1789 consideration by your committee. For nearly two decades PEG and Public Access, through our cable systems, has provided a significant opportunity and avenue for the expression of free speech and ideas. The result has been an incredible broadening of awareness and understanding on critical issues within each community. Today, I ask for your support and passage of SB1789.

Passage of this bill will take the necessary steps to insure that Hawaii's free speech is not left to the lowest bidder. This bill will recognize that a single system of application does not recognize the unique differences of our islands and in particular the disparity of operating funds available to that community. One size does not fit all when comparing a budget of \$400,000 to one of several millions of dollars.

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Often times the question of accountability is brought to attention. Currently there is a significant level of accountability through our contract with the Department of Commerce and Consumer Affairs. We all regularly provided audited financial documents. Each year we provide the State with an Annual Activity Report, a Year-End Activity Report, an Executive Summary and an Executive Summary Comparative. Last year a full management and inventory audit was conducted by a third party hired by the DCCA. There is a second one being scheduled now. Considering the financial reporting, operational reporting, and independent reviews and audits of performance the State has a sufficient amount of information detailing how we operate and serve our communities. There is indeed a high level of accountability when you consider that the State can terminate our contract without cause with a simple 30-day notice.

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FROM : HO'IKE : Kaua'i Comm. TV

FAX NO. : 808 246 3832

Mar. 25 2008 03:20PM P3

improved upon this process is not one of them. The unique and specialized characteristics of our PEG operations are not championed by this competitive process.

My one suggestion is that you amend the bill at line (a) to state the Director "shall" rather than "may" designate the PEG organization for each island. Again, I ask that you pass 581789 – allow our citizens their opportunity for expression and allow the DCCA to continue to provide this service to each of our islands.

Respectfully,

J S Robertson

J S Robertson
Managing Director

Fax 586-6201

Lance Holter chair Oshiro,

From: Lance Holter [holter@maui.net]
Sent: Tuesday, March 25, 2008 12:27 PM
To: 'FINtestimony@capitol.hawaii.gov'
Cc: 'repmoshiro@capitol.hawaii.gov'
Subject: In support of SB1789
Importance: High

March 25, 2008
Chair Marcus Oshiro
FINANCE COMMITTEE
SB1789

I am in favor of SB1789 and what many consider the free speech component of SB1789. Please pass out this important legislation.

We are in favor of open participatory processes in choosing public access stations. The right wing took away the Nation's AM radio and made it ultra conservative and undemocratic. Please do not let the five media giants or ultra conservatives in Hawaii take away our free speech and our Democracy found in the Public Access channels. Keep the process open and public to protect our rights and Democratic Principals.

Lance Holter
Chairman , Maui Democratic party
tele 579-9442
Box 790656
Paia, HI 96779

FINTestimony

From: jeff garland [digitaleye@hi808.net]
Sent: Tuesday, March 25, 2008 8:48 AM
To: FINTestimony
Subject: Re: SB 1789 Wednesday - March 26, 2008 - 12:30 P.M - Conference Room 308 - A G E N D A # 3
 (revised - Chair's name)

SB 1789 Wednesday - March 26, 2008 - 12:30 P.M - Conference Room 308 - A G E N D A # 3

Aloha Chair Oshiro, Vice Chair Lee, and members of the House Finance Committee,

My name is Jeff Garland and I have been involved with PEG Access since 1987 and certified at 'Olelo since 1992. I am also the Secretary of the Community Media Producers Association, the nonprofit corporation whose members were instrumental in getting legislation passed for PEG Access to be started in Hawai'i, and the corporation which submitted a proposal to become the PEG Access provider on O'ahu prior to DCCA deciding to create 'Olelo. I am testifying in **STRONG OPPOSITION** to SB 1789 which in essence creates yet another monopoly in Hawai'i, this time for entities that purport to be providers for Freedom of Speech. I say purport because after 17 years none of the PEGs have yet to "maintain at least one specially designated, noncommercial **public access channel** available on a first-come, nondiscriminatory basis" [see HAR 16-131-32, & D&O 154 section 5.2 **Access Channels** (f) & (g)]. The current PEGs were created and have been controlled by the state behind closed doors in meetings between PEG corporate officers and DCCA with no minutes or notes made available for public scrutiny. These corporations are all **non-membership**, so citizens that are mandated to provide funding for them have no vote in how the funds are spent, or what will be provided for them. The testimony & lobbying you have received from current highly paid PEG CEOs (one over \$110,000.⁰⁰), their employees, their specially facilitated clients, and school children, would have you believe that freedom of choice is bad. Please ask yourself why no one appears to be capable of coming up with just one possibility of how PEG Access in Hawai'i can be improved. Perhaps they, like you, have never taken the time to see that other PEGs in the country and globally are doing far more with far less funding. Perhaps they, like you, have never taken the time to understand the Law governing PEGs in Hawai'i. Perhaps all are unaware that 'Olelo's budget has been in the red for the last 4 years by over a million dollars, and that for the past 2 years have approved their Operating and Capital budgets in Executive Session! ?

Competition fosters innovation and excellence. Without it there is no real incentive to improve. By passage of this measure you will ensure Hawai'i citizens will continue to stay in last place with regards to their access to media technologies and its distribution. In essence, this measure stifles the people's involvement in the democratic process, and facilitates even more government control with no opportunity at all for public scrutiny. Please at least take the advice of the State Comptroller and the State Procurement Office administrator into account, and answer the questions of the DCCA Cable Television division administrator in his testimony before the Senate prior to voting on this measure. If you don't, you will likely be making victims of disinformed devotees.

Sincerely,

Jeff Garland
 Secretary, Community Media Producers Association (CMPA)

P.S. If you would like a list of the potential improvements, please feel free to contact me. I will provide them if you agree to hold them in the strictest of confidence, as they have been compiled as part of the closed bidding process which you are being asked to eliminate.

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 (1872 - 1970)

FINTestimony

From: carpentel002@hawaii.rr.com
Sent: Tuesday, March 25, 2008 8:56 AM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Lori Carpenter

March 25, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Lori Carpenter and I am currently a resident of Kihei/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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

Mahalo.

3/25/2008

FINTestimony

From: Jennifer Jensen [junglovn@maui.net]
Sent: Tuesday, March 25, 2008 8:59 AM
To: FINTestimony
Subject: Bill SB1789

To Rep. Yamashita

I am asking that you support the bill SB1789.

It is essential that public access stations remain free and available to the public citizens. The major media no longer represents us as citizens and in many ways is harmful to our rights as citizens. This bill will create clear and minimal guidelines that that will keep the "Public" in Public Access and protect our ability to have access to the media.

Thank you for supporting Free speech!!

Aloha
Jennifer Jensen
Haiku, Maui, Hawaii

FINTestimony

From: Alli Waters [alli_waters@hotmail.com]
Sent: Tuesday, March 25, 2008 9:17 AM
To: FINTestimony
Cc: jay@akaku.org
Subject: Akaku Community TV

Aloha Mr. Oshiro -

I am a producer at Akaku and I am in favor of an open, participatory process for choosing Public Access Stations. Please pass SB1789!

For the past five years I have producing a TV show called Maui TV that features role models for our youth. I also am the Arts Program Specialist at Hui Malama Learning Center and Youth Center. We have a strong video program for the youth at Hui Malama and rely on Akaku's resources to help the kids produce their own shows and public service announcements regarding important subjects such as drug and violence prevention.

I am very supportive of the current management at Akaku and hope that their hard work goes uninterrupted for our community.

Thank you for your concern!

Alli Waters
242-9730

Alli Waters Productions
(808) 280-3904
alli_waters@hotmail.com
alli.waters@huimalama.org

In a rush? Get real-time answers with Windows Live Messenger.
http://www.windowslive.com/messenger/overview.html?ocid=TXT_TAGLM_WL_Refresh_realtime_042008

FINTestimony

From: JohnstonBb@aol.com
Sent: Tuesday, March 25, 2008 3:12 AM
To: FINTestimony
Subject: Please support SB1789, SD2

Dear Legislators,

It is vitally important for our democracy that our public access stations remain under the control of the public for whom they are intended. If business interests and/or government and the military control these stations, we will just have more of the same dumbing down and manipulation of the public that we already have on much of the mainstream media. Is this what we want for our Counties, State, Country? I hope not, sincerely. Please do whatever is necessary to preserve continued PEG free public access and control of our media.

I believe that this trend is the direction that not just counties and states of the USA, but the entire world will go in if we are to solve the increasingly dire problems that confront us. The problems will drive us to it if we don't wake up to this fact now. The Union of Concerned Scientists has given us ten years before the climate gets wildly out of control, if we don't correct it now. And this is just one example. The worldwide base of intelligent, peaceful and compassionate people who are capable of effective enlightened action are growing by leaps and bounds. It is only a matter of time before an effective organization or Global Forum takes root on a worldwide basis. So what we need to do is increase public access to information channels, not shut it down. The existence of the internet assures that this will happen, one way or another. The below website is an excellent example of some of the ideas that are now circulating, written by a man of great wisdom. Please read this short book, if you are interested at all in a globally functional planet. <http://ispeace723.org/index.html>

Thank you sincerely, and Aloha,

Frederick Johnston
resident, Maui County
Kihei, Hawaii
808-276-8066
Hawaii resident since 1964
served in Vietnam with the third Brigade of the 25th Inf., Div.
graduate of the University of Hawaii

Create a Home Theater Like the Pros. [Watch the video on AOL Home.](#)

FINTestimony

From: johnstonbb@aol.com
Sent: Tuesday, March 25, 2008 2:17 AM
To: FINTestimony
Subject: Email in support of SB1789 SD2

Representative Marcus R. Oshiro, Chair

Representative Marilyn B. Lee, Vice-Chair

House Committee on Finance (FIN)

Frederick Johnston

March 25, 2008

Testimony in Support of SB1789, SD2 Relating to Cable Access Television.

My name is Frederick Johnston and I am currently 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. These are services Akaku provides to ensure 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 House of Representatives to pass SB1789 SD2 as quickly as possible.

It is vitally important for our democracy that our public access stations remain under the control of the public for whom they are intended. If business interests and/or government and/or the military control these stations, we will just have more of the same dumbing down and manipulation of the public that we already have on most of the mainstream media. Is this what we want for our Counties, State, Country? I hope not, sincerely. Please do whatever is necessary to preserve continued PEG free public access and

3/25/2008

control of our media. Mahalo.

FINTestimony

From: Vivian Yasunaga [vivian.yasunaga@hotmail.com]
Sent: Tuesday, March 25, 2008 5:08 PM
To: FINTestimony
Cc: klopez@olelo.org
Subject: Testimony in support of SB1789 SD2, Relating to Cable Television Systems

Aloha Committee Members,

I am writing in support of SB1789 SD2, Relating to Cable Television Systems. It is only appropriate that the PEG providers are exempted from the competitive bid process.

PEG access offers the public free and open access to produce content in an electronic media that otherwise has high barriers to entry. This is a great venue for civic involvement and the opportunity for the public to exercise their First Amendment rights. Past testimony has evidenced the value of community building as essential an part of PEG access. The product that is PEG access is unquantifiable and as a result, does not fit within the narrow competitive bidding process.

Therefore I urge the Committee's support of this bill.

Sincerely,

Vivian Yasunaga

How well do you know your celebrity gossip? [Talk celebrity smackdowns here.](#)

FINTestimony

From: Noyita Saravia [noyitas@yahoo.com]
Sent: Tuesday, March 25, 2008 5:38 PM
To: FINTestimony
Subject: Support for SB1789, SD2

Dear People,

I am totally in support of SB1789, SD2, exempting PEG providers from the competitive bid process.

Public Access has been wonderful for me. I have had shows air over the past 10 years, both on The Big Island and on Oahu. The warmth, knowledge, helpfulness and training in all the PEG centers has been super.

I love getting my ideas out into the community, whether it is a local community meeting, seniors dancing and singing, health information, or nature documentary or being a camera person on someone else's program (or talent, tho rarely!).

I love the connections and support Olelo has in the community. At earlier meetings I listened for hours as people of all ages shared what Olelo meant in their lives and in their communities. It choked me up. I could relate. I have always felt so supported to get my ideas out in the media.

This connection with the community is not a commodity to go to the lowest bidder. Olelo has done a fantastic job of growing with the community and expanding into new areas.

Please exempt PEG providers from the competitive bid process. Thank you. Aloha, Noyita Saravia

Never miss a thing. Make Yahoo your home page.
<http://www.yahoo.com/r/hs>

Larry Geller
Honolulu, HI 96817

SB1789
FIN
Wednesday March 26, 2008
12:30 p.m.
Room 308

COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

March 25, 2008

Re: SB1789— Relating to Cable Television Systems

In Support

This bill clarifies that procurement of services to provide public access television services is not the same as the state buying goods and services. As in the past, contracts shall be exempt from the requirements of Chapter 103D.

This continued exemption will ensure that services are not disrupted every three years or so by the procurement process, and recognizes that the funds which the cable companies are required to pay for public access channels and services are not the same as other public funds. They don't come from the state treasury and aren't used to purchase goods or services the way tax money is spent.

Television broadcasting and citizen journalism is evolving and cannot be reinvented every contract cycle. Just the time, effort and expense necessary to win competitive bidding and the dumbing down of the service offering in order to win a bid is destructive.

I would like to offer some background to the current arrangement that will illustrate how the community gathered to establish public access television in Hawaii. A bidding process would never have achieved what dedicated individuals put together.

In 1989, advisory groups met with Kathleen Schuler, a consultant to the Cable Television Division, to put together the organization that became 'Olelo. At least 77 people were involved in the advisory committees alone. An Operational Plan for 'Olelo was created and reviewed by the groups.

The proposed DCCA RFP includes nothing of what was important to these founding members. They noted, for example, that there are marked differences in the level of experience, types of programs to be produced, and the desired amount of training among public, educational and governmental users. The public access TV provider had to accommodate these differences.

They identified a wide range of possible programming, and in order to make that possible, felt that public education and information were most important followed closely by training. Additionally, they wanted 'Olelo to develop opportunities to use the channels that required little or no training.

They noted that ample parking adjacent to each facility was important factor affecting use and that the facilities should be open weekdays, weekends and evenings.

They decided that availability of studios and portable equipment was critical, as well as both easily used and advanced editing facilities in order to assure the quality of the finished programs. All of this must be properly maintained, of course.

Again, the idea was and still is to help nurture and grow public access television while keeping it independent of political pressure as much as possible.

The RFP process, in addition to being disruptive, is not a collaborative process such as I have described. The organizations who contributed members to one or more committees in 1989 included Alu Like, the City Council, the Community Television Producers Association, DCCA, the Dept. of Corrections, the Dept. of Civil Defense, the DOE, the DOH, the Dept. of Health of the City and County of Honolulu, DLNR, the Dept. of Personnel Services, the Dept. of Taxation, the Dept. of Transportation, City and County of Honolulu, Hawaii Community Television, Hawaii Loa College, Hawaii Public Broadcasting, Hawaii School of Video, the High Technology Development Corporation, Honolulu Academy of Arts, Hawaii Community College, the Dept. of Budget and Finance, Kamehameha Schools, Kokua Council, Lai-TV, the League of Women Voters, Leeward Community College, the Mayor's Office of Information and Complaints, Na Maka O Ka Aina, Oahu Civil Defense Agency, Office of State Planning, Office of the Lt. Governor, HPD, R&B Media Group, St. Nicholas Outreach, University of Hawaii Community Colleges, University of Hawaii at Manoa, and the Waimanalo Public and School Library.

The work of all these people and organizations would be set aside if a crude bidding process replaced the collective wisdom that created the current public access TV providers on each island.

I hope this committee will understand that these are **the people's television channels** and not a service or commodity purchased by the state to fix pavements or the like.

Please pass this bill into law to protect public access television as it was so carefully designed by so many individuals and organizations working together for a common goal.


Larry Geller