



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

KEALI'I S. LOPEZ
DIRECTOR

EVERETT S. KANESHIGE
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Date: March 14, 2011
Time: 2:00 p.m.

**TESTIMONY ON S.B. No. 583, S.D. 1 - RELATING TO CABLE TELEVISION
SYSTEMS**

TO THE HONORABLE ROBERT N. HERKES, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Everett Kaneshige and I am the Deputy Director of the Department of Commerce and Consumer Affairs (the "**Department**"). The Department appreciates the opportunity to testify in support of S.B. 583, S.D. 1.

The Department recognizes the importance of PEG access to democracy and the exchange of ideas and the opportunity for the public to share their ideas, using a media that would be otherwise cost-prohibitive for most people.

Therefore, the Department supports an exemption from HRS chapter 103 for the designation of access organizations for public, educational, and governmental (PEG) access channels as described in lines 4-10 on page 1 of the bill. The Department's position is consistent with its previous requests to the State Procurement Office in 2005 and 2006 for a similar exemption and also the recommendations of the H.C.R. 358 Task Force Report to the 25th Legislature on December 16, 2008.¹

The remainder of the bill addresses the procedure to be used by the Department in conjunction with designation of the PEG access organizations. The Department

¹ Recommendation #1 of the H.C.R. 358 Task Force Report to the 25th Legislature states, "The Legislature should exempt the designation of PEG access organizations from the provisions of the State Procurement Code."

Testimony on S.B. 583, S.D. 1
House Consumer Protection & Commerce Committee
Hearing Date: March 14, 2011
Page 2

points out that these procedures are already contained in section 16-131-70 of the Hawaii Administrative Rules and therefore it is not necessary to add similar provisions to HRS chapter 440G.

If, however, this Committee decides to pass out this measure and include provisions on the designation procedure, the Department has concerns with the language in S.B. 583, S.D. 1 and suggests technical amendments and clarifications be made so that the bill's provisions conform to existing statutory provisions and include proper technology. The Department would be happy to work with the Chair and his staff to come up with amendments to this measure.

Thank you for the opportunity to provide written comments on S.B. 583, S.D. 1.



**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 587-4700 Fax: (808) 587-4703
<http://hawaii.gov/spo>

TESTIMONY
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
HOUSE COMMITTEE
ON
CONSUMER PROTECTION & COMMERCE

March 14, 2011

2:00 PM

SB 583, SD1

RELATING TO CABLE TELEVISION SYSTEMS.

Chair Herkes, Vice-Chair Yamane, and committee members, thank you for the opportunity to testify on SB 583, SD1.

The State Procurement Office (SPO) opposes the amendment in SECTION 1 which proposes to exempt from HRS chapter 103D the designation of access organization for public, educational, or governmental access channels.

As historical background on this issue, in 2007 Maui Circuit Court ordered the Department of Commerce and Consumer Affairs (DCCA) to adopt a rule specifying method, factors and criteria used to designate and select a PEG access organization. Subsequently DCCA initiated rulemaking process, held public hearings in Sept 2008, and HAR §16-131-70 became effective Dec. 2008. DCCA amended its Hawaii Administrative Rules (HAR) chapter 131, Subchapter 16 on *Access Organizations* for §16-131-70, *Designation and selection of access organizations* (see Attachment), that states in part, "...director shall comply with the applicable provisions of chapter 103D, HRS, when designating and selecting an access organization to oversee the development, operation, supervision, management, production, or broadcasting of programs on PEG channels obtained under chapter 440G, HRS."

SB 583, SD1
House Committee on Consumer Protection & Commerce
March 14, 2011
2:00 PM
Page 2

The current solicitation was issued on May 20, 2010 by SPO on behalf of DCCA, Cable Television Division, and is proceeding through the request for proposal (RFP) process. RFP-10-007-SW is for the services to *Operate, Maintain, and Manage Public, Educational, and Governmental (PEG) Access Channels, Funds, Facilities, and Equipment*, and generally contains the items listed in the proposed bill for the director to consider such as the public need for the proposed services, qualifications and financial responsibility of the applicant, etc. Copies of the solicitation and amendments will be provided upon request.

Public procurement's primary objective is to give everyone equal opportunity to compete for Government contracts; to prevent favoritism, collusion or fraud in awarding of contracts. The true nature of competition gives government agencies the benefits of knowing that the acquiring of goods and services were conducted in a fair and objective manner. Meeting this objective requires a single set of statutes and rules that define and mandate the use of selection processes that are competitive, efficient, fair, transparent, open and impartial.

The SPO opposes statutorily exempting specific agencies from the Code, as it is not in the best interest of government, the business community, and the general public. The Code should not be viewed as an obstacle to a purchasing agency's mission, but rather as the single source of public procurement policy to be applied equally and uniformly.

There are several vendors who have indicated interest in submitting proposals for this solicitation. If the Legislature intends to exempt this specific program from the Code, the exemption should include assurances that the agency's exempt process includes fair and open competition, disclosure, transparency, due process for aggrieved parties, a defined selection and awards process, and the various elements contained in the Code to ensure public confidence that this special exempt procurement process is fair.

There is no compelling reason to exempt the procurement of contracts to manage and operate PEG access channels, funds, facilities and equipment from fair and open competition. We request that SECTION 1 be deleted. Thank you.



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
Brien Hallet, President	Nancy Bey Little	Barbara Polk	Guy Archer (Alt)	PO. Box 617
Juliet Begley, Vice-President	John Bickel	Jan Lubin	Josh Frost (Alt)	Honolulu,
Fritz Fritschel, Treasurer	Tom Horton	Stephen O'Harrow	Bart Dame (Alt)	Hawai'i 96822
Chuck Huxel, Secretary	Jim Olson	George Simson	Marcia Schweitzer (Alt)	Karin Gill (Alt)

March 10, 2011

TO: Rep. Robert Herekes, Chair ; Rep Ryan Yamane, Vice Chair
Members of the Committee on Consumer Protection and Commerce

FROM: Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair

RE: SUPPORT FOR SB 583 SD1 RELATING TO CABLE TELEVISION
SYSTEMS

Americans for Democratic Action/Hawaii supports this bill because it offers a method of selecting PEG access providers that takes into account a wider variety of public interests and needs that does the standard procurement procedure.

Public access cable TV gives members of the public a way to air their concerns and interests, in addition to providing access to the political process and to educational programming. In an era of increasing media consolidation, it is important that public access channels continue to be guided by public interest. We believe that SB 583 provides a process that appropriately allows for greater public input and consideration in selecting the providers. We urge your support for the bill.

CPCtestimony

From: proofmaui@aol.com
Sent: Thursday, March 10, 2011 5:08 PM
To: CPCtestimony
Subject: Local control is vital

Hi,

My name is John Hugg, a Maui businessman, owner of Proof Maui Photography, Design & Tours. My local TV provider, Akaku, has informed me that the COMMITTEE ON CONSUMER PROTECTION & COMMERCE is holding a hearing on March 11, 2011 at 2:00 PM re: **SB583**.

OPPOSE

I reject the current idea of - and push towards - globalization. The popular bumper sticker "THINK GLOBALLY - ACT LOCALLY" is in concordance with natural law. It clearly does not advocate turning over local control of community organizations to outside agencies ... and, bottom-line, this is what is being discussed here. Too many of our freedoms are being handed away.

Do NOT continue this trend, as it works against our vitality and survival. Sink this bill, and let Akaku and other similar organizations continue as they are, actively communicating with the communities of which they are a part. And we will continue to think globally, become more globally aware, yet be able to act locally in everyone's best interests rather than giving in to interests who may claim to have everyone's best interests at heart, but are too distant to carry on real effective communication.

Mahalo for listening,

John A. Hugg
Kihei

CPCtestimony

From: Elle Cochran [ellecochran@gmail.com]
Sent: Thursday, March 10, 2011 4:54 PM
To: CPCtestimony
Subject: In Support of SB583!

Please help to ensure our voice will B Heard!

Mahalo for your time and consideration.

--

Elle Cochran
10 Halawai Dr. Ste.1
Lahaina, HI. 96761

808-281-7709
ellecochran@gmail.com

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 11, 2011 6:03 AM
To: CPCtestimony
Cc: tinalia@tinalia.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Tina Lia
Organization: Individual
Address:
Phone:
E-mail: tinalia@tinalia.com
Submitted on: 3/11/2011

Comments:

My name is Tina Lia. I am a resident of Maui County and a Producer Representative on the Board of Directors for Akaku: Maui Community Television. I am testifying in support of HB112

This bill will establish accountability standards for Hawai'i's community television stations which will ensure that our non-profit public access organizations are meeting the needs of the public, educational sector, and government. In addition, HB112 will provide rules for PEG Access designation which will put an end to the state procurement process. The current RFP process has drained significant resources from our public access stations and our government funds through six years of litigation. This RFP process is fundamentally wrong and detrimental to the future of free speech in our state.

Hawai'i's public access stations are the voice of our community. The public depends on these stations as a forum for freedom of speech and an outlet for sharing information through creative, educational programming. I ask that you support HB112 and provide our community television organizations with the stability of a strong, fair regulatory process.

CPCtestimony

From: Tina Lia [tinalia@tinalia.com]
Sent: Friday, March 11, 2011 6:02 AM
To: CPCtestimony
Subject: Testimony in Support of SB583

Name: Tina Lia, Board Member, Akaku
Committee Name: Committee on Consumer Protection & Commerce
Date & Time of Hearing: March 11, 2011 at 2:00pm
Bill Number: SB583
Testimony in Support

My name is Tina Lia. I am a resident of Maui County and a Producer Representative on the Board of Directors for Akaku: Maui Community Television. I am testifying in support of HB112.

This bill will establish accountability standards for Hawai'i's community television stations which will ensure that our non-profit public access organizations are meeting the needs of the public, educational sector, and government. In addition, HB112 will provide rules for PEG Access designation which will put an end to the state procurement process. The current RFP process has drained significant resources from our public access stations and our government funds through six years of litigation. This RFP process is fundamentally wrong and detrimental to the future of free speech in our state.

Hawai'i's public access stations are the voice of our community. The public depends on these stations as a forum for freedom of speech and an outlet for sharing information through creative, educational programming. I ask that you support HB112 and provide our community television organizations with the stability of a strong, fair regulatory process.

Aloha,
Tina Lia

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Representative Robert A. Herkes, Chair
Representative Ryan I. Yamane, Vice Chair
Monday, March 14, 2011
2:00 PM Conference Rm. 325

SUPPORT, SB583

Aloha Chair Herkes, Vice Chair Yamane, and members of the committee,

I am in strong support of SB583 SD1,

PEG access should not be put out to bid in the same way that a highway or construction project is. There are only a few organizations capable of fulfilling the function of community television.

Olelo and Akaku Community Television are both doing outstanding jobs of serving free speech and access to government. As media time has become increasingly expensive and television, newspaper, and radio outlets continue to be bought out by only a few corporations, it becomes increasingly important to maintain free, accessible television.

Any community member can take classes and become a certified producer. Neither Olelo nor Akaku censor content. High paying advertisers have no say in content. A healthy democracy depends on the ability of citizens to freely speak their minds and hearts. Community television is currently serving this function.

Also, transparency in government depends on community television. Most people don't have the time (nor can they find parking) to come down to the Capitol to watch committee hearings. However with Olelo Community Television filming selected hearings, they can watch from the comfort of their own homes. Akaku fulfills the same function with Maui County government.

Please support SB583 SD1, giving the director of commerce and consumer affairs the ability to designate an access organization to oversee public, educational, and governmental channels on cable television.

Mahalo for hearing my testimony.

Netra Halperin
Kihei, Hawaii

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 10, 2011 8:05 PM
To: CPCtestimony
Cc: iliwai34@hawaii.rr.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Michael J. Duberstein
Organization: Akaku Maui Community Television
Address:
Phone:
E-mail: iliwai34@hawaii.rr.com
Submitted on: 3/10/2011

Comments:

My name is Michael J. Duberstein, I am a resident of Maui County, and a Board Member since 2008 of Akaku: Maui Community Television. I strongly support this bill and urge your approval. It will provide strong accountability and performance standards for Akaku, Maui County's Akaku Community Television, as well as, the community-based public access television providers serving Oahu, Olelo Community Television, the Big Island, Na Leo O Hawaii and Kauai, Hoike Community Television. These community-anchor non-profit public access organizations have been a vibrant part of our public discourse and civic engagement throughout the state for more than twenty years and this bill will ensure that they continue to be fully accountable and responsive to the needs of those respective local communities, the DCCA and the state.

The content of this bill incorporates draft rules from your 2008 HCR 358 Legislative Task Force which recommended that this reasonable method of PEG Access designation be used in lieu of a fatally flawed state procurement process initiated six years ago by the previous Administration, an ongoing RFP process that has cost the PEG Access organizations and the state many thousands of dollars with no end in sight.

This bill will provide stability for these valuable community communications assets, foster healthy public discourse, enhance civic engagement, give voice to the widest span of viewpoints and peoples and allow Hawaii's highly regarded local public media to maintain its position as one of the leading examples of real electronic democracy in the United States.

CPCtestimony

From: Paul Ehman [ehman@maui.net]
Sent: Friday, March 11, 2011 7:25 AM
To: CPCtestimony
Subject: COMMITTEE ON CONSUMER PROTECTION & COMMERCE

From: Paul Ehman, President, Ehman Productions, Inc.

To: Committee name: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Date & time of hearing: March 11, 2011 at 2:00 PM
Bill number: SB583

Re: Please support this bill

Thank you,

Paul Ehman
Ehman Productions, Inc.
808-575-9151
ehman@maui.net
ehmanproductions.com

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Robert Herkes, Chair
Representative Ryan Yamine, Vice-Chair

Monday, March 11, 2011, 2:00pm, Room 325

Testimony **IN SUPPORT** of SB583 – Relating to Cable Television Systems

I thank you for the opportunity to provide this brief testimony in support of SB583. As a resident of the 15th District on Kauai this is an important measure for our community's ability to continue a civil discourse of interests and exchange of ideas.

For several years the Department of Commerce and Consumer Affairs along with the State Procurement Office have struggled through an unnecessary and wasteful exercise in determining the management of PEG resources in our islands. SB583 will provide an immediate and positive solution towards this goal. More importantly the bill will create and provide the strongest accountability and identify standards of performance for these vital and necessary community media operations. The content of this bill incorporates draft rules from your own HCR358 Legislative Task Force which recommended that this reasonable method of PEG Access designation be used rather than the afore mentioned procurement process.

Hawaii's non-profit community media operations are truly an integral part of the fabric and language of our islands. This bill will create a lasting future for the community development opportunities that have been cultivated for the past 20 years. Today there is no more diverse programming or wide range of subject matter on any broadcast television channel. PEG is the voice of the people of our islands including our local governments, our schools, and most importantly the very people you have been elected to serve. We must move forward in a deliberate and crafted manner. SB583 will insure that PEG operations remain vibrant and engaged within their communities and provide the State with the desired oversight and measures of accountability. This is an asset to our community that must be protected and preserved.

As a member of our House of Representatives you can choose to protect and safeguard the voice of the people of Hawaii. I thank you for your consideration of this bill and strongly urge the Committee on Consumer Protection & Commerce to pass SB583 for the continued success and growth of the people of Hawaii.

Respectfully,

J S Robertson

J S Robertson
Managing Director
Ho'ike: Kauai Community Television

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 11, 2011 10:58 AM
To: CPCtestimony
Cc: holter@maui.net
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Lance Holter
Organization: Maui Democratic Party
Address:
Phone:
E-mail: holter@maui.net
Submitted on: 3/11/2011

Comments:

My name is Lance Holter, I am the chairman of the Maui Democratic Party. I can verify that the Maui Democratic Party is in support of SB583. AKAKU public access television is an incredible asset to our community because it serves the rural areas and Islands of Maui County in an excellent manner providing education, information, as well as, a forum for free speech and Democracy that few other media outlets can provide. It keeps Maui Nui connected. Please keep AKAKU available to our Island citizens in a sustainable manner. SB583 will keep AKAKU accountable and enable the service to continue uninterrupted.

Best regards,
Lance Holter
PO Box 790656
Paia, Maui 96779
tele 283-1056

CPCtestimony

From: Ronald Stebbins [skeeter@LovelyMauiHomes.com]
Sent: Friday, March 11, 2011 10:16 AM
To: CPCtestimony
Subject: Testimony IN SUPPORT of SB583

Representative Robert A. Herkes, Chair
Representative Ryan I. Yamine, Vice Chair
Monday, March 11, 2011 / 2:00 PM Conference Room 325
Testimony IN SUPPORT of SB583

My name is Captain Ronald S. Stebbins II and I am a resident of Maui County.

The bill is intended to provide strong accountability and performance standards for Akaku, Maui County's Akaku Community Television, as well as, the community-based public access television providers serving Oahu, Olelo Community Television, the Big Island, Na Leo O Hawaii and Kauai, Hoike Community Television. These community-anchor non-profit public access organizations have been a vibrant part of our public discourse and civic engagement throughout the state for more than twenty years and this bill will ensure that they continue to be fully accountable and responsive to the needs of those respective local communities, the DCCA and the state.

The content of this bill incorporates draft rules from your 2008 HCR 358 Legislative Task Force which recommended that this reasonable method of PEG Access designation be used in lieu of a fatally flawed state procurement process initiated six years ago by the previous Administration, an ongoing RFP process that has cost the PEG Access organizations and the state many thousands of dollars with no end in sight.

This bill will provide stability for these valuable community communications assets, foster healthy public discourse, enhance civic engagement , give voice to the widest span of viewpoints and peoples and allow Hawaii's highly regarded local public media to maintain its position as one of the leading examples of real electronic democracy in the United State.

Mahalo,

Captain Ronald S. Stebbins II
[Skeeter@LovelyMauiHomes.com](mailto:skeeter@LovelyMauiHomes.com)
e-PRO, Certified International Property Specialist Candidate
www.LovelyMauiHomes.com
(808) 870-9813

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 11, 2011 1:16 PM
To: CPCtestimony
Cc: polancy@hawaii.rr.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: antoinette polancy
Organization: Individual
Address:
Phone:
E-mail: polancy@hawaii.rr.com
Submitted on: 3/11/2011

Comments:

we need commercial and government-free television because we all deserve it. akaku also provides teaching and training in media...a great value especially to young people. we deserve akaku.

CPCtestimony

From: Steve Freid [stevefreid@yahoo.com]
Sent: Friday, March 11, 2011 12:35 PM
To: CPCtestimony
Subject: Immediate Attention Please: Senate bill (SB583)

My name: Steven Freid - videographer, model

Committee name: COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Date & time of hearing: March 11, 2011 at 2:00 PM

Bill number: **SB583**

Support

I have been an Akaku producer for over 5 years. It is essential that we PROTECT Akaku from a disruptive, corrupt and possibly illegal bidding process orchestrated by enemies of free speech and maintain home rule of our public electronic commons paid for entirely by Maui Nui cable subscribers.

With Aloha,

Steve Freid

<http://lifeonmaui.net/>

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 11, 2011 12:32 PM
To: CPCtestimony
Cc: mmmmahalo2000@aol.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Mike Moran
Organization: Individual
Address:
Phone:
E-mail: mmmmahalo2000@aol.com
Submitted on: 3/11/2011

Comments:

Aloha Chair and committee members,
Please support this bill so individual citizens of HI can continue to have freedom of speech,
not just corporations.
Mahalo,
mike moran
Kihei

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 11, 2011 2:01 PM
To: CPCtestimony
Cc: tree@hawaii.rr.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Stephen Luksic
Organization: Individual
Address:
Phone:
E-mail: tree@hawaii.rr.com
Submitted on: 3/11/2011

Comments:

This is long overdue and essential to a vibrant and healthy community. The Cable Companies and the telcoms have too much control. This bill will help protect a community resource that is essential to a vibrant, active public.

Thank you,
Stephen

CPCtestimony

From: Susan Werner [pauwela808@gmail.com]
Sent: Friday, March 11, 2011 1:59 PM
To: CPCtestimony
Subject: Testimony IN SUPPORT of Senate Bill SB583

To the COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Testimony in support of Senate Bill SB583
Date & time of hearing: March 11, 2011 at 2:00 PM

From Susan Werner

Aloha. I am submitting this testimony in favor of passing SB583 and putting an end to the 5 year old RFP Process that the State seems to be using to punish the current providers of public access television.

Among other positive actions, this bill will give the DCCA Director the power to designate PEG Providers in the same way Cable providers are designated. The process would allow for public hearings prior to designating a PEG provider.

As a public librarian and citizen, I strongly support public access as one avenue of maintaining our First Amendment right to free speech. I also strongly support the right of the citizens of the community to decide what they want to see on their PEG television station. This bill will ensure that the citizens and not the state will be making the decisions.

Thank you.

Susan Werner
2923 E Lelehuna Pl
Haiku HI 96798

CPCtestimony

From: Ananda Stone [splashvideo@yahoo.com]
Sent: Friday, March 11, 2011 2:10 PM
To: CPCtestimony
Subject: Senate Bill SB583

Ananda Stone
Owner/Splash Productions
splashvideo@yahoo.com

Aloha COMMITTEE ON CONSUMER PROTECTION & COMMERCE,

I am writing in support of Senate Bill SB583. Akaku gives our community a voice through public access to media. It is very important to protect this right.

Mahalo,

Ananda Stone

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Representative Robert A. Herkes, Chair
Representative Ryan I. Yamine, Vice Chair

Monday, March 14, 2011 / 2:00 PM Conference Room 325

Testimony IN SUPPORT of SB583

My name is Richard L. Hanson and I am a resident of Maui County. I am submitting my testimony in support of SB583. I am requesting your support of SB583 to help us preserve a valuable asset for the citizens of Maui County and the State of Hawaii. Freedom of speech and expression is not something that should be placed on the auction block. I strongly feel that the public interest is best served by the provisions in SB583.

The bill is intended to provide strong accountability and performance standards for Akaku, Maui County's Akaku Community Television, as well as, the community-based public access television providers serving Oahu, Olelo Community Television, the Big Island, Na Leo O Hawaii and Kauai, Hoike Community Television. These community-anchor non-profit public access organizations have been a vibrant part of our public discourse and civic engagement throughout the state for more than twenty years and this bill will ensure that they continue to be fully accountable and responsive to the needs of those respective local communities, the DCCA and the state.

The content of this bill incorporates draft rules from your 2008 HCR 358 Legislative Task Force which recommended that this reasonable method of PEG Access designation be used in lieu of a fatally flawed state procurement process initiated six years ago by the previous Administration, an ongoing RFP process that has cost the PEG Access organizations and the state many thousands of dollars with no end in sight.

This bill will provide stability for these valuable community communications assets, foster healthy public discourse, enhance civic engagement, give voice to the widest span of viewpoints and peoples and allow Hawaii's highly regarded local public media to maintain its position as one of the leading examples of real electronic democracy in the United States.

Thank you for your consideration and support of SB583.

Sincerely,

Richard L. Hanson

CPCtestimony

From: Richard Mealey [rmealey@hawaii.rr.com]
Sent: Friday, March 11, 2011 6:24 PM
To: CPCtestimony
Subject: Akaku support

1. YOUR NAME with position/title and organization
2. Committee name: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
3. Date & time of hearing: March 11, 2011 at 2:00 PM
4. Bill number: **SB583**
5. **TESTIMONY IN SUPPORT**

I support SB-583. Akaku provides a needed community forum.

*(Mr.) Richard Mealey
2531 S. Kihei Rd. (C-614)
Kihei, HI 96753*

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai'i 96817

Phone/E-mail: (808) 533-3454/ kat.caphi@gmail.com



COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Robert Herkes, Chair

Rep. Ryan Yamane, Vice Chair

Monday March 14, 2011

Room 325

2:00 p.m.

SB 583 SD1 - STRONG SUPPORT for PEG Access

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chair Herkes, Vice Chair Yamane and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and justice issues in Hawai'i for more than a decade. We respectfully offer our testimony always being mindful that Hawai'i has some 6,000 people behind bars with almost 1,800 individuals serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, their ancestral lands.

I am also the producer and host of *Hawai'i Injustice*, an 'Olelo community television show that airs the first Tuesday of every month at 8:30 pm and every Thursday morning at 8 am on Channel 54.

SB 583 SD1 allows the Director of Commerce and Consumer Affairs (DCCA) to designate an access organization to oversee public, educational and governmental channels on cable television.

The SD1 defected the date to 2050, which we hope you will change to 'upon approval'.

Noam Chomsky wrote:

"Where there is even a pretense of democracy, communications are at its heart."

Community Alliance on Prisons stands in strong support of this measure that preserves the community voice and clarifies Chapter 440G, outlining the criteria the Director must consider before letting a contract from PEG access.

This bill is important because it creates the space for the community's voice to be heard as part of the Director's criteria for selection. This is especially vital in challenging economic times. We the people must always be vigilant that the government doesn't corporatize public assets. These assets are known as The Commons.

PEG (Public, Education, Government) access is a vital part of a thriving democracy. It provides access to information that is, in some cases available nowhere else. Access to current information is even more important for Hawai'i, as many of our communities are separated by ocean. Access to technology facilitating information to connect our islands is not yesterday's luxury - it is today's necessity. Last

week's tsunami and the resulting tragedy in Japan serves as a reminder to us all of the importance of communications.

This bill ensures that the public has a voice in keeping public access, well, public! Public access (and we mean PEG access) is

- a public right
- direct democracy in action
- a way to create a more informed citizenry
- a way to build strong, involved, and committed communities
- a window for policymakers to see, hear and understand issues important to their constituents

When we say public access is a public right, we mean just that. This is the rent Time Warner Oceanic pays for the use of public space - and it is indeed low rent considering the corporate benefit cable television operators reap from the use of our public rights-of-way .

A vibrant democracy demands participation

Many people feel left out of the mainstream media. The community's voice is often relegated to a 30 second sound bite, if anything at all. Public access/community media provides a venue for the discussion of issues important to the community. This education encourages participation in the democratic process.

Public access/Community media is vital in Hawai'i because we are a multi-cultural society

We have many immigrants who come to Hawai'i and desperately want to connect with what is going on, but find it very difficult to do because of language and cultural barriers. Mainstream media does not do much to help these folks fit in.

Freedom of speech is a vital component of democracy

The Constitution has been under siege, and one of the most important freedoms enshrined in the Bill of Rights is freedom of speech. Public Access/Community media provides an uncensored venue for our community to learn about issues, to find ways to participate in their communities, and to be more active contributors in shaping Hawai'i's future. Public access promotes the first amendment!

Community media increases civic literacy

Hawai'i has pitiful voting numbers. We rank at the bottom for voter participation. It is obvious from our dismal voting numbers that people feel disenfranchised and separated from the government. Yet we are the government. Public access/Community media brings issues to the people and calls for their participation. In election cycles, the community can tune in and hear from candidates running for office. This creates a more engaged and educated voter.

Keep Public Access PUBLIC! We support this measure that ensures the public will have a voice in the PEG process that is made clearer with the amendment to Chapter 440G.

A vibrant democracy demands an involved citizenry and every effort to educate and involve the citizens on important issues should be wholeheartedly supported by our government.

Preserving, enhancing, and amplifying the public, educational, and governmental voices
is what *We the People* is all about!

Mahalo for this chance to share our thoughts.

CPCtestimony

From: Patricia Blair [patriciablair@msn.com]
Sent: Saturday, March 12, 2011 9:18 AM
To: CPCtestimony
Subject: SB583 Committe on Consumer Protection and Commerce

I support the approval and passage of SB583 which will protect and provide accountability for public access stations in Hawaii. Patricia Blair, Kailua, Hi. 888-6393

Topic: SB583 RELATING TO CABLE TELEVISION SYSTEMS. Allows the director of commerce and consumer affairs to designate an access organization to oversee public, educational, and governmental channels on cable television.

To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE: Representative Robert Herkes, Chair; Representative Ryan Yamane, Vice Chair

When: March 14th, 2011, Monday, at 2:00 pm

Place: Conference Room 325

Aloha Chair Herkes, Vice Chair Yamane and Distinguished members. My name is Alan Johnson, I am the co-producer for Hina Mauka's "It's About Recovery," an 'Olelo community television show that showcases people in recovery and describes prevention and treatment for alcoholism, substance use disorders and related challenges, including mental health issues.

We stand in strong support of this measure that preserves the community voice.

While we do not oppose commercially dominated media, we understand the critical need for public media where information can be openly debated without restriction. Today's commercially dominated media message is often restricted by its owners and subjugated to short emotional sound bites that are designed to be sensationalized and that often supports strong opinions based on the owner's ideologies.

Public media has the freedom for debate, the opportunity for factual investigation and the orientation to stimulate thinking. Mostly, though, it is a media mechanism that allows the freedom for a community to have a voice to be heard by their own community members.

We support the provision of an exemption for the designation of access organizations for PEG access channels, and clarification of Chapter 440G, outlining the criteria the Director must consider before executing a contract from PEG access. We support that a community voice is part of the Director's criteria for selection. Public Access is a vital part of a thriving democracy; it provides access to information that is, in some cases available nowhere else.

We appreciate the opportunity to provide testimony.

March 14, 2011

The Honorable Robert N. Herkes
Chair
Committee on Consumer Protection and Commerce (CPC)
Hawaii State House of Representatives
415 S. Beretania Street, Room 320
Honolulu, HI 96813

COMMUNITY MEDIA

Board of Directors
Jim Boersema
Vice Chair

Marsha Bolson
Jill Takasaki Canfield
Lynette Cruz
Lubuw Falanruw
Pat Garvey
Rochelle Gregson
Ormond Hammond
Nelson Lau
Bennette Misalucha
Diane Peters-Nguyen
Michael Rosenberg
Steve Sombrero
John Williamson

Roy K. Amemiya, Jr.
Interim President/CEO

Dear Chair Herkes, Vice Chair Yamane and Members of the CPC Committee;

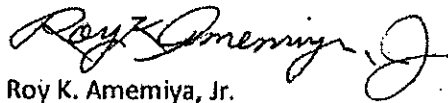
Subject: Letter in Strong Support of SB583 SD1 Relating to Cable Television Systems

My name is Roy Amemiya, Chief Operating Officer and Interim President/CEO of 'Olelo Community Media, the PEG Access Provider for Oahu. I am writing to strongly support SB583 SD1 Relating to Cable Television Systems. This bill would change the State's procurement process of PEG Access service providers by designating a new process within HRS 440G that is modeled after the process used to procure cable franchises.

The original bill is identical to its House companion bill, HB112 with a defective date of July 1, 2050, inserted into the SD1. We request that the bill be amended to reflect the original effective date of July 1, 2011.

Thank you for the opportunity to testify. I am pleased to answer any questions that you may have.

Aloha,



Roy K. Amemiya, Jr.
Interim President/CEO

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2011 6:23 PM
To: CPCtestimony
Cc: tookie49_2004@yahoo.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Daniel Kanahale
Organization: Individual
Address:
Phone:
E-mail: tookie49_2004@yahoo.com
Submitted on: 3/13/2011

Comments:

CPCtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2011 12:37 PM
To: CPCtestimony
Cc: lightninglon101@yahoo.com
Subject: Testimony for SB583 on 3/14/2011 2:00:00 PM

Testimony for CPC 3/14/2011 2:00:00 PM SB583

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Lon Briggs
Organization: A Vessel of Mercy Ministry
Address:
Phone:
E-mail: lightninglon101@yahoo.com
Submitted on: 3/13/2011

Comments: