

LATE

COMMITTEE ON WAYS AND MEANS

Senator David Y. Ige, Chair

Senator Michelle Kidani, Vice Chair

Tuesday, March 1, 2011, 9:20 AM Room 211

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

My name is Randy Mills, I am a resident of Maui County, Project YBEAM Director at Akaku: Maui County Community Television and a member of the IATSE Local 665. I offer my comments in strong support of 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 the 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.

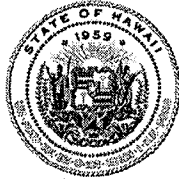
Recommendation 3 of the HCR 358 Task Force Report states:

"The Task Force recommends that in place of competitive procurement, the DCCA be charged with adopting Administrative Rules that guide a new process for the designation of a PEG Access organizations in a manner that is similar to the process used by DCCA for cable franchises, a process that is already well understood by the DCCA and the public, This process should provide ample opportunity for input by the public on each island within the local franchise area and allow for interested parties to intervene

SB583 provides for a regulatory framework that will silence even the harshest critic of the current PEG access designation. We would like to respectfully request that your committee approve SB583 which will grant Akaku and the other community media organizations a sense of certainty they have earned from decades of dedicated community service. This will allow these community-based organizations to continue to expand and build upon their only mission: to provide extended media opportunity and a vibrant voice for all the people of Hawaii Nei.

I would like to thank the committee for the consideration of these comments today.

Sincerely,
Randy Mills



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TO THE SENATE COMMITTEE ON
WAYS AND MEANS

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Date: March 1, 2011

Time: 9:20 a.m.

**WRITTEN COMMENTS ON S.B. 583 - RELATING TO CABLE TELEVISION
SYSTEMS.**

TO THE HONORABLE DAVID Y. IGE, 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**") and am providing written comments in support of S.B. 583.

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 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.

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."

Furthermore, in the event this bill is enacted, HAR section 16-131-70 will need to be revised to delete the current language which requires the Department to comply with HRS chapter 103. Revisions to this section would require public hearings and will provide the Department with the opportunity to work with the PEG access organizations and our shared public, educational and governmental constituents, to develop rules which could address not only the designation of organizations but also specific terms and conditions of the agreements between the Department and the PEG access organizations.

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 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 comments on S.B. No. 583.