



NEIL ABERCROMBIE  
GOVERNOR

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LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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KEALI`I S. LOPEZ  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH LEGISLATURE  
Regular Session of 2014

Date: Monday, January 27, 2014  
Time: 2:10 p.m.

TESTIMONY ON H.B. No. 1998 – RELATING TO CABLE TELEVISION SYSTEMS.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Catherine Awakuni, and I am the Cable Television Administrator at the Department of Commerce and Consumer Affairs (the “**Department**”). I am providing comments to H.B. No. 1998, which requires the Director of the Department to order cable franchise applicants to provide equipment and maintenance sufficient to ensure that public, educational, and governmental (“**PEG**”) access channels are received in quality equivalent to local broadcast signals on the cable operator’s system.

At the outset, please let me note that there appears to be signal quality differences for some of the PEG access channels. In particular, I was recently advised by Akaku, the organization designated to provide PEG access in Maui County, that it experiences significant signal degradation on its channels. That said, however, the Department believes that these disparities could and should be addressed more directly through discussions among the PEG access providers, the cable operators, and the Department. Prescriptive legislation that pinpoints just one aspect of the negotiations process in which the Department engages with the cable franchise applicant is unnecessary.

Olelo, the PEG access provider on Oahu, has implemented digital signal transport to Oceanic Time Warner Cable’s system as a result of the Oahu franchise renewal process. Just as the Department worked with Oceanic Time Warner Cable and Olelo to upgrade analog transport equipment as a result of the Oahu franchise renewal process, the Department intends to work with Akaku and Oceanic Time Warner to upgrade analog transport equipment as part of the Maui franchise renewal process.

For these reasons, the Department believes that this measure is unnecessary at present.

Thank you for the opportunity to provide testimony on H.B. No. 1998.

200 Akamainui Street  
Mililani, Hawaii 96789-3999  
Tel: 808-625-2100  
Fax: 808-625-5888



Honorable Angus McKelvey, Chair  
House Committee on Consumer Protection & Commerce  
Hawaii State Capitol  
Honolulu, HI 96813

**RE: HB1998 – Relating to Cable Television Systems  
Testimony in Opposition**

January 27, 2014; 2:10 p.m., Hawaii State Capitol Room 325

Aloha Chair McKelvey, Vice Chair Kawakami, and members of the committee,

On behalf of Oceanic Time Warner Cable, which provides a diverse selection of entertainment, information, and communication services to over 425,000 Hawaii households, schools and businesses and currently employs more than 1,000 highly-trained individuals, we appreciate the opportunity to express our concerns and opposition to HB 1998.

HB 1998 requires the director of the Department of Commerce and Consumer Affairs, upon the submission of an application for (or renewal of) a cable television franchise, to order the applicant to provide public, educational and government access (PEG) programming in high definition (along with closed captioning, stereo and multiple audio programming) to subscribers.

Federal law is clear and unambiguous that a local franchising authority, such as the DCCA, cannot mandate the type of technology in which a cable operator provides its services to subscribers, including the transmission technology that the operator uses to provide PEG programming. Accordingly, HB 1998's attempt to regulate how, and in what form, a cable operator provides PEG programming is preempted by federal law and is clearly unenforceable.

Section 624 of the federal Cable Act (47 U.S.C § 544(e)) provides that "No State or franchising authority may prohibit, *condition*, or restrict a cable system's use of *any type* of subscriber equipment *or any transmission technology*." (Emphasis added). The Federal Communications Commission, the federal agency mandated to interpret and implement the Cable Act, has noted that "[T]he phrase 'transmission technology' includes both the transmission medium . . . and the specific modulation or communications format." See Implementation of the Cable Act Reform Provisions of

the Telecommunications Act of 1996, Report and Order, 14 FCC Rcd 5296, 5356-57 ¶¶ 141 (1996), *aff'd on recon.*, 17 FCC Rcd 7609 (2002) ("2002 Implementation Order"). Thus, the FCC has further confirmed that "local authorities may not control whether a cable operator uses digital or analog transmissions nor determine whether its transmission plant is composed of coaxial cable, fiber optic cable, or microwave radio facilities." *Id.*

HB 1998 proposes to do exactly what the Cable Act proscribes: it directs the DCCA to impose a unilateral condition upon a cable operator's franchise application that would mandate the cable operator to use a specific transmission technology and communications format (high definition) to transmit PEG programming. Accordingly, HB 1998 must be deferred.

In addition, Oceanic notes that the Cable Act carefully balances the needs of all subscribers and places conditions and restrictions upon the state's authority with respect to the establishment of channel capacity requirements for PEG programming. The Cable Act provides that a franchising authority may require "adequate assurance" that a cable operator will provide "adequate" PEG access channel capacity, facilities, or financial support. 47 U.S.C. § 541(a)(4)(b). The FCC has observed that "Because the statute does not define the term 'adequate,' we have the authority to interpret what Congress meant by 'adequate PEG access channel capacity, facilities, and financial support,' *and to prohibit excessive LFA demands in this area, if necessary.*" First Section 621 Report & Order, ¶ 112 (emphasis added). The FCC has further concluded that "'adequate' should be given its plain meaning: the term does not mean significant but rather 'satisfactory or sufficient.'" *Id.*; *see also* Second Section 621 Report & Order, ¶¶ 12-13 ("Much of the 'PEG/I-Nets' section of the First Report and Order applies equally to incumbents and new entrants," including "our refusal to adopt standard terms for PEG channels for new entrants.").

Oceanic is supportive of public access programming to the extent that it provides programming of interest to its subscribers and to the extent that it is provided in a fiscally-responsible manner. All of the current public access providers in our state have channel capacity on Oceanic's system and currently receive a substantial amount of their operating and capital funding from Oceanic's subscribers through franchise fees and capital payments. Oceanic has, and will continue, to provide adequate public access channel capacity, facilities and financial support consistent with its legal and franchise obligations; however, broadcasting PEG programming in HD (if even such a requirement could be imposed in the first instance) would go far beyond the FCC's mandate with respect to PEG programming and would require Oceanic to reallocate substantial bandwidth and other resources to the detriment of other high-demand services, including faster broadband speeds, that many of Oceanic's subscribers have requested and have come to expect.

Oceanic believes that the foregoing considerations are why none of the communities on the Mainland where Time Warner Cable operates has unilaterally imposed a requirement that PEG programming be transmitted in high definition as proposed by HB 1998.

As federal law is on point, and unambiguously speaks to this issue, the state may not authorize the DCCA director to require a cable operator to utilize specific transmission technology to provide PEG programming in high definition, and the committee should defer this measure.

Thank you for the opportunity to offer our testimony on this bill.

Sincerely,

Bob Barlow  
President of Oceanic Time Warner Cable



**Board of Directors**

Jim Boersema  
*Chair*

Allan Akamine  
Jill Takasaki Canfield  
Lester Chu  
Rochelle Gregson  
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Nelson Lau  
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Mario R. Ramil  
Mike Rosenberg  
Tyler M. Tokioka  
John Williamson  
Scott Wong

Roy K. Amemiya, Jr.  
President/CEO

January 24, 2014

The Honorable Representative Angus L.K. McKelvey  
Chair  
Committee on Consumer Protection and Commerce  
415 S. Beretania Street, Room 320  
Honolulu, HI 96813

Dear Chair McKelvey, Vice Chair Kawakami and Members of the CPC Committee;

**Subject: Testimony in Strong Support of HB1998 Relating to Cable Television Systems**

My name is Roy Amemiya, CEO and President of 'Ōlelo Community Media. 'Ōlelo operates four PEG channels on O'ahu and since our founding nearly 25 years ago, more than 100,000 locally produced programs have been aired. We support the intent of HB1998 because it would allow cable viewers that subscribe to HD service to view these programs in a higher quality. Currently, although we transmit our signal in digital and are able to send it in HD, both Hawaiian Telcom and Oceanic TWE (TWE) currently only provide SD capability. TWE transcodes the signal into a lower grade analog quality. While transmitting in analog is good from the standpoint that all subscribers, including basic subscribers are able to watch these community and government programs, the trade-off is a degraded signal.

We would like to point out that this bill, in its current form, would exclude O'ahu. This is because the requirements are triggered upon DCCA granting an application to receive or renew a cable franchise. While the neighboring islands have cable franchises up for renewal, on O'ahu both TWE and Hawaiian Telcom are at the early years of long term franchises.

Accordingly, while we support the intent of HB 1998, we ask that the committee consider more inclusive language.

Thank you for this opportunity to testify.

Roy K. Amemiya, Jr.  
President and CEO  
'Ōlelo Community Media

## TESTIMONY IN SUPPORT OF HB1998

My name is Jay April and I am filing this testimony in strong support of SB 1998.

The islands of Maui, Molokai and Lanai contain many thousands of diverse voices and audiences that rely entirely on Akaku: Maui Community Television to communicate with each other and express their views. It is our only local television. Our County and State government is beamed to 53,000 homes daily keeping us connected and informed and our schools use these PEG channels to instruct and educate our students.

Whether the originator be the County Council, the Maui Fire Department, UH Maui, the Maui Invasive Species Committee, The Institute of Astronomy, The Maui Humane Society, The Native Hawaiian Chamber of Commerce- or whether they be programs about protecting marine mammals, the healthiest bees on earth, our local heroes, the swell of the century or some of the best election coverage in the state - Akaku delivers a pristine HD signal, much of it live, all of it uniquely local to the Oceanic head end for rebroadcast to cable subscribers. What happens to our signal after it reaches Oceanic is appalling; Oceanic uses antiquated, out of date equipment that degrades and deforms our signal both in video and audio and offers a substandard experience to the paying consumer. This cavalier treatment of our channels needs to be addressed immediately. One would be hard pressed to find another regulated utility that could get away with this kind of complete disregard for the consumer.

Despite the fact that Oceanic Time Warner takes more than 68 million dollars in revenue from Maui County every year and that this upgrade will require a very modest investment of less than a \$10,000, Oceanic has informed us in writing that they will not upgrade this signal until after a franchise renewal is granted. This delay, which could take a year or more, puts all of our (and your) neighbor island programming at risk. This bill if it becomes law, will protect the consumer by providing our neighbor island communities with the opportunity to view local programming in the same manner and form as they do local full power broadcast stations. It will also send a message to federal policymakers and other Local Franchising Authorities across the nation that the State of Hawaii recognizes the necessity of requiring telecommunications monopolies and duopolies using our valued rights of way to stay current with the deployment of state of the art technology in our rapidly evolving digital environment.

## TESTIMONY IN SUPPORT OF HB1998

My name is Jay April and I am filing this testimony in strong support of SB 1998.

The islands of Maui, Molokai and Lanai contain many thousands of diverse voices and audiences that rely entirely on Akaku: Maui Community Television to communicate with each other and express their views. It is our only local television. Our County and State government is beamed to 53,000 homes daily keeping us connected and informed and our schools use these PEG channels to instruct and educate our students.

Whether the originator be the County Council, the Maui Fire Department, UH Maui, the Maui Invasive Species Committee, The Institute of Astronomy, The Maui Humane Society, The Native Hawaiian Chamber of Commerce- or whether they be programs about protecting marine mammals, the healthiest bees on earth, our local heroes, the swell of the century or some of the best election coverage in the state - Akaku delivers a pristine HD signal, much of it live, all of it uniquely local to the Oceanic head end for rebroadcast to cable subscribers. What happens to our signal after it reaches Oceanic is appalling; Oceanic uses antiquated, out of date equipment that degrades and deforms our signal both in video and audio and offers a substandard experience to the paying consumer. This cavalier treatment of our channels needs to be addressed immediately. One would be hard pressed to find another regulated utility that could get away with this kind of complete disregard for the consumer.

Despite the fact that Oceanic Time Warner takes more than 68 million dollars in revenue from Maui County every year and that this upgrade will require a very modest investment of less than a \$10,000, Oceanic has informed us in writing that they will not upgrade this signal until after a franchise renewal is granted. This delay, which could take a year or more, puts all of our (and your) neighbor island programming at risk. This bill if it becomes law, will protect the consumer by providing our neighbor island communities with the opportunity to view local programming in the same manner and form as they do local full power broadcast stations. It will also send a message to federal policymakers and other Local Franchising Authorities across the nation that the State of Hawaii recognizes the necessity of requiring telecommunications monopolies and duopolies using our valued rights of way to stay current with the deployment of state of the art technology in our rapidly evolving digital environment.



## kawakami3-Benigno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 12:25 PM  
**To:** CPCtestimony  
**Cc:** skbissen@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sayble Bissen	Individual	Support	No

Comments: I am a resident of Maui and a cable subscriber and I support HB 1998.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 12:40 PM  
**To:** CPCtestimony  
**Cc:** ruhizandra@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ruhi Moran	Individual	Support	No

Comments: We need full-power broadcast signals carried on the cable system for Lanai, Molokai, and Maui. Public, educational, and governmental access channels in HD on Akaku would make a huge difference to community viewers. Let's show our ohana that we care enough to give the very best. Yes to HB1998!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 12:55 PM  
**To:** CPCtestimony  
**Cc:** p420haze@hotmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter King	Individual	Support	No

Comments: I support this bill because Public access tv needs to be the same quality as all channels on the network. Thank you Peter king

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 1:26 PM  
**To:** CPCtestimony  
**Cc:** improvmandan@yahoo.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Weisman	Individual	Support	No

Comments: "I strongly support HB1998. In this new age of HD TV quality, Cable subscribers deserve and should be offered the choice to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD. This will serve as well, as an incentive for citizen advocates and on-camera artists to participate in their very own public access station."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 1:42 PM  
**To:** CPCtestimony  
**Cc:** shanti@akaku.org  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
shanti berg	Individual	Support	No

Comments: I am in support of HB1998

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 6:43 PM  
**To:** CPCtestimony  
**Cc:** kat@akaku.org  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kat	Individual	Support	No

Comments: As a community producer and owner of High Definition camera equipment, I am STRONGLY in support of HB1998! Content I turn in to PEG access channels in HD should NOT be down res'd for cable viewers but delivered in as high a quality as all other local broadcast signals! I also teach youth on iPod touches to produce content and they shoot in HD, the kids are baffled why their videos don't look as good as they are shot when viewed on PEG cable TV! Mahalo for your support!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 10:05 PM  
**To:** CPCtestimony  
**Cc:** sam@swvs.net  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sam Small	Individual	Support	No

Comments: I strongly support upgrading the image quality of Akaku. I want PEG access channels in HD like regular TV. No good reason for them to keep Akaku at low quality. It's unfair to me and everyone on Maui.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 7:49 AM  
**To:** CPCtestimony  
**Cc:** mmmmahalo2000@aol.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Moran	Individual	Support	No

Comments: I strongly support this bill. With no choice of a cable TV company, consumers have no way to influence the cable provider to offer this quality of service regardless of ever increasing rates. For just treatment we need our legislators to make it mandatory. Mahalo, Mike Moran Kihei Maui

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 11:53 PM  
**To:** CPCtestimony  
**Cc:** dreammauiinc@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Schwartz	Individual	Comments Only	No

Comments: I strongly support this bill because equivalent FULL POWER broadcast signals, including HD, are critical upgrade from second class station status. Present restricted signal degrades quality significantly and offers less than desired viewership response because of the lousy signal. As a prolific producer, I hear comments all the time about poor quality when in fact they know I shoot HD. I also think Akaku needs to be taken OUT of the procurement process. They should not be in a position where a low bidder could undermine the excellent and continued valuable performance by their superb and capable and INTERESTED staff. Thanks for your consideration. Aloha, Jason Schwartz Producer, Host, Director DreamMakers Foundation Maui Arts & Music Association 501c3 DreamMaui Inc.(LLC) (808) 874-5900 P.O. Box 344 Wailuku, Maui, HI 96793

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## kawakami3-Benigno

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**Sent:** Thursday, January 23, 2014 11:58 PM  
**To:** CPCtestimony  
**Cc:** dreammauiinc@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Schwartz	Individual	Comments Only	No

Comments: submitted through my portal for my partner Airielle Pearson on her request : I support HB1998 because I want to see full power signals for Akaku. I cannot tell you how many people tell me they love my shows but wonder why the signal is so poor, when they can get regular stations just fine. Please correct this by passing this bill. Thank you. Airielle Pearson Television co-host M.A.M.A. PRESENTS Kihei, Maui, HI (808) 357-6582

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 1:38 PM  
**To:** CPCtestimony  
**Cc:** dfulton808@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/23/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Fulton	Individual	Comments Only	No

Comments: Time Warner takes \$68 MILLION out of Maui County every single year. The piece of equipment that Akaku would need to send the same quality signal as the local broadcast channels is \$10,000. How is \$10,000 from \$58 MILLION even a question? This \$10,000 equipment would last another decade at that. In the next decade, that \$58 million will be \$580 million. And that equipment is still only \$10,000. How unsupportive and anti-community can a corporation be? PEG access will be lost in the stone age within the next few months if this equipment is not replaced and the signal improved. Akaku has the capabilities here on Maui to broadcast in HD. Time Warner Cable is fully capable but completely UNWILLING to broadcast Akaku in HD. This should not even be an argument. This should not even be going through the system. It should be an automatic law and right for PEG Access to have adequate equipment and be broadcasted at full capability as any other channel. You, DCCA and lawmakers, have the power to turn a corner in television history for the community. Make the right choice. This bill must pass for Akaku to maintain it's place in the community. Protect the community. Time Warner Cable: Enjoy Worse. Akaku Maui Community Television is The Voice of Maui Nui, keep it strong.

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## kawakami3-Benigno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 9:27 AM  
**To:** CPCtestimony  
**Cc:** astara25@yahoo.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Paquin	Individual	Comments Only	No

Comments: Please have Oceanic Time Warner broadcast our local public access Tv station, Akaku in the same format as offered - High Definition. The people of Maui share what is important to them here. Please honor the format presented. Say YES to what is PONO!

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**kawakami3-Benigno**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 11:21 AM  
**To:** CPCtestimony  
**Cc:** danocean4u@hotmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Emhof	Individual	Support	No

Comments: I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## kawakami3-Benigno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 12:05 PM  
**To:** CPCtestimony  
**Cc:** thebassdragon@yahoo.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shawn Michael		Support	No

Comments: IN SUPPORT I have been employed at Akaku: Maui Community Television for the last 12 years continuously. Started at the bottom and worked my way to the top so to speak. Currently I am the Director of Programming which means I am the one in charge of broadcasting the channels upon the equipment provided by the cable company. It is no exaggeration to say that the equipment currently being used is beyond outdated, it is 1980s technology literally. In layman's terms, at Akaku we produce HD Video Signal...it is then converted by 'the cable companies equipment' on our property into a mono-analog TV signal, the equivalent of AM radio from the 40s. Which is why the State Legislature meetings on Capitol TV look and sound horrible. There is a simple solution, a political solution is not needed. We just need the current provider, Oceanic to allow us to purchase a new HD modulator. The modulator we current are forced to use was manufactured in 1982 and is worth \$25 on ebay, it's junk. If it breaks our channels are off the air with no way to replace the equipment because it's obsolete and cannot be found anywhere. I am in full support of allowed the public channels to be transmitted in the highest quality capable. We can be an HD TV Channel withing minutes of new gear being purchased...but will Oceanic allow that? That is the reason for this legislation Sincerely, and Mahalo, Shawn Michael Director of Programming Akaku: Maui Community Television

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**kawakami3-Benigno**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 12:19 PM  
**To:** CPCtestimony  
**Cc:** mlamore21@aol.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Lamore	Individual	Support	No

Comments: Make the cable company liable to provide local access channels a quality HD signal

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 12:42 PM  
**To:** CPCtestimony  
**Cc:** schoolbuscharlie@yahoo.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Hook	Individual	Comments Only	No

Comments: I strongly support HB 1998. It is absurd that the cable company has gotten away this abusive treatment for so long. They need to be severely punished for ALL of their previous bad acts, as well!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 12:44 PM  
**To:** CPCtestimony  
**Cc:** suntrops@aol.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM  
**Attachments:** Support HB1998.docx

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Roberts	Individual	Comments Only	No

Comments: I strongly support HB1998. Cable subscribers in the franchise area must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD.

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**Sent:** Friday, January 24, 2014 12:52 PM  
**To:** CPCtestimony  
**Cc:** tutuprouty@aol.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqueline L Prouty	Individual	Comments Only	No

Comments: I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-powered broadcast signals, including HD.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 1:32 PM  
**To:** CPCtestimony  
**Cc:** angelthevampire2001@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
fashinator	Individual	Support	No

Comments: I would like to watch Akaku in HD.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 2:32 PM  
**To:** CPCtestimony  
**Cc:** lou@akaku.org  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Dilberto	Individual	Support	No

Comments: As a video engineer and video professional for over 30 years, it is irresponsible for Oceanic Time Warner Cable to allow the signal quality of our community channel not to be as good as they can be. Please require that Oceanic Time Warner Cable give our community channels parity with local broadcast signals on the cable system. mahalo.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 5:51 PM  
**To:** CPCtestimony  
**Cc:** blueflame3@rocketmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alberto Rojas	Individual	Support	No

Comments: "I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 5:59 PM  
**To:** CPCtestimony  
**Cc:** chris@mentzel.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Mentzel	Individual	Support	No

Comments: I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD. We are very fortunate to have such active channels. Please support their work.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 6:03 PM  
**To:** CPCtestimony  
**Cc:** jking@mauitvnews.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff King	Individual	Support	No

Comments: As a 43-year veteran of the broadcast news industry (as well as print, radio and entertainment), I have witnessed the Davids and Goliaths in the corporate broadcast world come and go. Akaku: Maui Community Television is a "poster child" example of everything that a community access local television station should be (or could be). Akaku carries the requisite "how to scoop dirt" type shows produced by "local producers," because they have to. But they sparkle and shine above any other community access channel I have ever encountered across the U.S. in the way they reach out to the community to inform, educate and - thereby - entertain (because, after all, that's why most folks watch TV). Maui County, as a "blank canvas," is a beautiful and moving place to start. Add passion, ingenuity, curiosity, enthusiasm, education and enlightenment to that canvas - in varying colors and styles - and you have a story much more interesting to potential viewers than "how to scoop dirt" in Lubbock, TX (with apologies to Lubbock - because I produced those kinds of reports there a few decades ago). The crew at Akaku has a very impressive pedigree and an almost hard-to-define passion to share their experience, strength and hope with up-and-coming "producers" who would like to share their own stories. I fully support and endorse the transmission equity of high-definition on Akaku's channels to help further their mission. Maui has a "visitor channel" with endless stunning scenes of beauty of our amazing home of four islands that is mesmerizing. It is in high definition. Imagine if that quality of a viewer's experience could heighten the hope of a young producer to tell a yet-untold story of the magic, history, legacy and hope of Maui Nei - and tell it in HD. I can imagine it. And I'd watch it. A lot. Mahalo for accepting my testimony in support of HD for Akaku. Jeff King, News Director Maui TV News Manager, Island News Technologies, LLC  
www.mauitvnews.com 808-891-NEWS

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 6:29 PM  
**To:** CPCtestimony  
**Cc:** PEGGY@ALOHATRUNK.COM  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Seymour	Individual	Support	No

Comments: "I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 7:56 PM  
**To:** CPCtestimony  
**Cc:** mahealani.design@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dawn lincoln	Individual	Support	No

Comments: Please make Oceanic Cable treat Akaku with the professional courtesy that it extends to other TV networks! I want to see Akaku in HD. Make Oceanic do what is fair. They are soooo greedy!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 7:57 PM  
**To:** CPCtestimony  
**Cc:** billx@unforgettable.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Watts	Individual	Support	No

Comments: I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 8:25 PM  
**To:** CPCtestimony  
**Cc:** arnoldkotler@aol.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arnold Kotler	Individual	Support	No

Comments: I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 9:49 PM  
**To:** CPCtestimony  
**Cc:** ihemphi@live.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/24/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Key	Individual	Support	No

Comments: "I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 25, 2014 9:17 AM  
**To:** CPCtestimony  
**Cc:** cmatzke@ucsd.edu  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/25/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Matzke	Individual	Support	No

Comments: I am in full support of HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD. Keeping equivalent quality when broadcasting free speech is mandatory and I strongly support this bill. Like many on Maui, I am an avid supporter of Akaku Community Television and know the work they do gives a voice and power to our island community. Thank you.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 25, 2014 11:11 AM  
**To:** CPCtestimony  
**Cc:** maluakamaka@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### **HB1998**

Submitted on: 1/25/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Freitas Gorman	Individual	Support	No

Comments: I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full-power broadcast signals, including HD. I am especially supportive of full and continued support of Akaku on Maui.

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**Sent:** Saturday, January 25, 2014 1:39 PM  
**To:** CPCtestimony  
**Cc:** deborahonmaui@yahoo.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/25/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Farr	Individual	Comments Only	No

Comments: I strongly support Requiring the director of commerce and consumer affairs to order cable franchise applicants to provide equipment and maintenance sufficient to ensure that cable subscribers in the franchise area are able to receive public, educational, and governmental access channels equivalent in quality to local full-power broadcast signals carried on the cable system. I believe that public television is extremely important because it offers the best unbiased information to the public. It should be supported on all levels and clarity of its signal tops the list. The public should be "invited" into the broadcasts, not turned off by their quality.

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**Sent:** Saturday, January 25, 2014 6:10 PM  
**To:** CPCtestimony  
**Cc:** Karen@RedwoodGames.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/25/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Support	No

Comments: Please pass this bill and insure PEG channels are given the resources to be on equal footing (and also see if you can add that Oceanic has to stop moving Akaku TV all around so we can't find it.)

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**Sent:** Saturday, January 25, 2014 6:54 PM  
**To:** CPCtestimony  
**Cc:** mwkoh@hpa.edu  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

### HB1998

Submitted on: 1/25/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ming Wei Koh	Individual	Support	No

Comments: In Learning Gardens and sustainability education, bringing life to schools and schools to life, Williams and Brown (2012), shared the perspective of Carlos Garcia, superintendent of San Francisco Unified School district, an avid school garden proponent. In his words: • I would not want people to think of gardens as “just a garden.” Rather, I want them to think of gardens as being better than a textbook. • To me, school gardens are an academic issue. • I believe that we can use gardens as an educational tool, make learning joyful, fun and relevant. Every child eats food. Gardens create connections between what students see in the market and what they get in science and in writing. The educational value is most important – gardens make education relevant. (p. 194) Across the large pond of the Pacific Ocean, Danny Garcia, principal of Kohala Elementary School shared this perspective: I wanted all my students to use the garden as a laboratory of discovery. That’s why I call it the Discovery Garden. My most involved student, Na’a (not his real name), is autistic, and has a full time aide with him all day, and weekly occupational therapy (OT), and physical therapy (PT) sessions. When his OT suggested that she use gardening as a tool for teaching Na’a, I jumped to support it 100%. Ming Wei, the school garden teacher worked with Ms. N to create situations in the garden for Na’a to learn particular skills. For example, Ms. N wanted Na’a to practice crossing his midline by twisting a piece of rope of string around a vertical stick. Ming Wei got Na’a to plant pea plants, and to weave the plants up the trellis behind it. Na’a built a rock wall for the school garden to learn how to sort sizes, largest rock on the bottom, smallest on top. And then he planted pollinator-attracting plants on top of the wall. The Discovery Garden can meet the academic and educational needs of all my students, from the youngest to oldest, from the most involved student like Na’a, to the gifted and talent students. The garden does not discriminate. It is open and giving, a reflection of the pono culture we need to promote. The GLOs, they give some direction to understand the pono culture. Self-directed learning, complex thinking, community contributor, quality producer, effective communicator and ethical use of technology, they are all outcomes of a pono culture. (personal communication, field notes, fall 2010 – 2011) When Danny shared the above with me, it validated the work and effort taken to understand the six GLOs from a Hawaiian cultural and value perspective. Less than a hundred years ago, the Hawaiians were self-sufficient, feeding themselves from land and sea. We are so far removed from that practice in this century, importing 85% of our food and 90% of our energy sources. We are educating our students for a future we do not know about. Changes in technology, climate, globalization, and culture are happening rapidly. Some of the skills I learned as a child are now obsolete. However, the six GLOs are life-long skills, culturally pertinent and ageless. I believe that these are some of the skills needed to help us create a sustainable future. I stated before

that my first assumption of education was: the purpose of education is to help us create values in our actions, develop love in our thinking, and foster equality and righteousness in our emotions. I believe that the findings of this research project exemplify that the interdisciplinary standards-based school garden curriculum used in the Discovery Garden at Kohala Elementary School was a positive step in the direction to meet the purpose stated above. As students develop and apply the six GLOs, they can create values in actions; they can care for the earth in the place and space of the school garden and thus, can develop love in their thinking; and they can foster equality and righteousness (pono) in emotions as they work with their community around food.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 26, 2014 9:25 AM  
**To:** CPCtestimony  
**Cc:** jdancer@kula.us  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/26/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John NAYLOR	Individual	Support	No

Comments: I strongly support HB1998 The cable company and its successors must provide PEG access channels equivalent in quality to local full power broadcast signals, including HD. The cable companies must upgrade these signals for PEG each and every time they upgrade the other channels. Mahalo!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 26, 2014 10:11 AM  
**To:** CPCtestimony  
**Cc:** kehaulani1976@gmail.com  
**Subject:** Submitted testimony for HB1998 on Jan 27, 2014 14:10PM

**HB1998**

Submitted on: 1/26/2014

Testimony for CPC on Jan 27, 2014 14:10PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doreen	Individual	Support	No

Comments: "I strongly support HB1998. Cable subscribers must be able to receive PEG access channels equivalent in quality to local full power broadcast signals, including HD." Mahalo for your support

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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