

SB36 SD1

Measure Title: RELATING TO CONSUMER PROTECTION.

Report Title: Public, Educational, and Governmental Access Channels;
Channel Designation; Cable Operators; Consumer
Protection

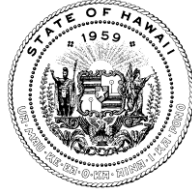
Description: Requires the department of commerce and consumer
affairs to regulate all channel designations and relocation of
public, educational, and governmental access channels.
Allows cable operators to relocate or change the
designation of public, educational, and governmental
access channels only under certain conditions. (SD1)

Companion:

Package: None

**Current
Referral:** CPH

Introducer(s): ENGLISH



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT 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
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Thursday, February 22, 2018
9:30 a.m.

TESTIMONY ON S.B. NO. 36, S.D. 1, RELATING TO CONSUMER PROTECTION.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on S.B. 36, S.D. 1, Relating to Consumer Protection. My name is Ji Sook “Lisa” Kim, and I am the Administrator of the Department’s Cable Television Division. The Department supports this bill and requests the below amendment.

This bill requires the Department to regulate all channel designations and relocation of public, educational, and governmental (“PEG”) access channels and allows cable operators to relocate and change the designation of PEG access channels only if certain conditions are met.

The Department strongly supports and fully acknowledges the public benefits of PEG access programming. PEG access programming promotes, among other things, civic participation through government cablecasts, which allow viewers to remain informed of issues affecting our local communities throughout the State, even if time and distance prevents them from attending public hearings and functions. PEG access programming also provides valuable information to viewers and serves as a vehicle to

connect Hawaii's unique communities through the discussion and coverage of cultural matters and events.

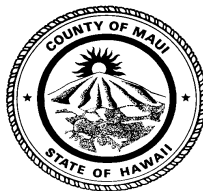
It is important to note, however, that federal laws bestow limited power to local franchising authorities ("LFAs") (i.e., the Department on behalf of Hawaii) regarding the regulation of cable services. The federal rules explicitly state that LFAs may not impose requirements on cable operators regarding the provision or content of cable services. With respect to channel assignments, while the federal rules expressly permit LFAs to require cable operators to provide 30 days' advance written notice of any change, the federal rules do not confer any other authority over channel assignments. Thus, LFAs may be limited in asserting additional regulatory powers over the designation or relocation of PEG access channels.

As such, the Department is concerned conflicts of law may arise and pose enforceability issues. In addition, the Department has agreements and orders that follow Federal Communications Commission ("FCC") regulations regarding cable services, facilities, and equipment, which could be affected by conflicts of law.

Due to the above, the Department recommends this bill be amended to follow language that is present in the laws of California (Cal. Pub. Util. Code § 5870(b) (West 2018)) and Illinois (220 Ill. Comp. Stat. 5/21-601 (2017)) that address the designation or relocation of PEG access channels. Specifically, the phrase "unless prohibited by federal law" should be inserted into the bill at page 2, line 15 after "Notwithstanding any law to the contrary," to address any conflicts of law that may arise with passage of this measure. The Department also suggests that in conjunction with this bill, a resolution be sent to Hawaii's congressional delegation and the FCC that requests changes to current federal laws and/or regulations that expressly allow LFAs more discretion. This resolution would also clarify the regulation of cable operators and the provision of PEG access services.

Thank you for the opportunity to testify on this measure.

ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Maui, Hawai'i 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
E-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR
Ke`ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

February 21, 2018

TESTIMONY OF ALAN M ARAKAWA
MAYOR
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Thursday, February 22, 2018, 9:30 AM
Conference Room 229

SB36 SD1 RELATING TO CONSUMER PROTECTION.

Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair
Honorable Members of the Senate Committee on Commerce, Consumer Protection, and Health

Thank you for this opportunity to testify in **STRONG SUPPORT OF SB36 SD1.**

The purpose of this bill is to require the department of commerce and consumer affairs to regulate all channel designations and relocation of public, educational, and governmental access channels. It also allows cable operators to relocate or change the designation of public, educational, and governmental access channels only under certain conditions.

In a move that will effectively make local, public, non-commercial community television channels hard to watch and hard to find, Spectrum Cable has announced that it is moving Olelo from its current high traffic locations to what are essentially vacant slots. What this means is that you will turn to Channels 49, 53, 54 and 55 to get reliable neighborhood centric 2018 election coverage and you will not be able to find it. Research has proven that when channels are relocated like this in the absence of a well-funded comprehensive re-branding campaign, a significant audience is lost forever.

What Spectrum is doing defeats the purpose of why these non-commercial access channels were established. They were set up for no other purpose but to create access to cable television studios for people who would otherwise not have a voice and to encourage civic engagement by televising issues of public importance, providing in depth coverage of government meetings and making government more accessible to the masses.

Slamming these channels into the digital 180's will cause them to disappear from the newspaper TV grid and force subscribers to pay for special equipment to view. If this happens, fundamental access to Government will be curtailed.

This bill will allow the DCCA to control where, when, how, and if the cable company is allowed to move these channels on all islands.

I strongly urge you to pass SB36 SD1.

Sincerely,

Alan M. Arakawa
Mayor, County of Maui

VCOUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 21, 2018

TESTIMONY OF DEREK S.K. KAWAKAMI
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 36, SD1, RELATING TO CONSUMER PROTECTION
Senate Committee on Commerce, Consumer Protection and Health
Thursday, February 22, 2018
9:30 a.m.
Conference Room 229

Dear Chair Baker and Members of the Committee:

Thank you for this opportunity to provide testimony in strong support of SB 36, SD1, Relating to Consumer Protection. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council and Chair of the Council's Economic Development & Intergovernmental Relations Committee.

SB 36, SD1, Relating to Consumer Protection, will require the Department of Commerce and Consumer Affairs to regulate all channel designations and relocation of public, educational, and governmental access channels. Cable operators will be allowed to relocate or change the designation of public, educational, and governmental access channels only under certain conditions.

The people of the County of Kaua'i have had the privilege of receiving many live productions and tape-delayed cable programming covering the island's activities, events, meetings, and information on important issues for more than twenty (20) years. Broadcasts have included gavel-to-gavel Kaua'i County Council meetings, which often involve the most controversial and important issues facing the community, such as the subject of SB 36, SD1. The current designation for Kaua'i's public, educational, and governmental access channels is an effective means of ensuring that our residents, especially the elderly who may be fixed in their ways, as well as our island visitors, receive free and open public access to information about our government.

For the reasons stated above, I urge the Senate Committee on Commerce, Consumer Protection and Health to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

DEREK S.K. KAWAKAMI
Councilmember, Kaua'i County Council

AMK:ct

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 21, 2018

TESTIMONY OF JOANN A. YUKIMURA
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 36, SD1, RELATING TO CONSUMER PROTECTION
Senate Committee on Commerce, Consumer Protection and Health
Thursday, February 22, 2018
9:30 a.m.
Conference Room 229

Dear Chair Baker and Members of the Committee:

Thank you for this opportunity to provide testimony in strong support of SB 36, SD1, Relating to Consumer Protection. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

SB 36, SD1, Relating to Consumer Protection, will require the Department of Commerce and Consumer Affairs to regulate all channel designations and relocation of public, educational, and governmental access channels. Cable operators will be allowed to relocate or change the designation of public, educational, and governmental access channels only under certain conditions.

I am in total support of local programming, which this measure will enable to continue. The ability to relocate and redesignate channels for live productions and tape-delayed programming covering Kaua'i's activities, events, and governmental meetings which provide very important information for residents and visitors should not be left to the cable company's discretion.

For the reasons stated above, I urge the Senate Committee on Commerce, Consumer Protection and Health to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

JOANN A. YUKIMURA
Councilmember, Kaua'i County Council

AMK:lc

**Statement of Sanford Inouye
President and CEO, Olelo Community Media
Before the
Senate Committee on Commerce, Consumer Protection and Health
February 22, 2018
At 9:30 am
State Capitol, Conference Room 229**

**In consideration of
SB 36 SD1
Relating to Cable Communications**

Chair Baker, and Vice-Chair Tokuda, and Members of the Committee.

Olelo Community Media respectfully offers its strong support of SB 36 SD1 Relating to Cable Communications.

SB 36 SD1 would require the Department of Commerce and Consumer Affairs (DCCA) to regulate public, education and government (PEG) access channel number designations on cable systems operated by cable service providers in the State.

We strongly support this bill as evidenced by the recent actions of Charter Communications to relocate PEG access channels on Oahu and subsequently on the neighbor islands. Charter's actions are arbitrary, capricious, unilateral and not in the best interest of the people of Hawaii. Charter has not offered any legitimate reason to relocate PEG access channels, other than to have commercial networks with multiple channels acquire an additional channel by removing PEG access channels from their current locations. PEG access channel locations that have been on the cable systems for decades. Channel locations that are well known to viewers, branded by our local community producers for their programs and for essential local government programming such as legislative hearings and sessions, county council meetings and hearings, and neighborhood board meetings. If these long standing programs are relocated, we will all need to start all over again. That is clearly impractical, costly and totally unnecessary.

Local community producers who on their own time without remuneration put their heart and soul into their programs as well as the government programs from the legislature, county councils, and neighborhood boards that provide open access and transparency to the public, can and will be lost without the protections afforded under SB 36 SD1.

As part of our testimony, together with written comments submitted to the Cable Advisory Committee meeting on February 2, 2018, I will offer the more than one hundred letters strongly opposing Charter's planned relocation of PEG access channels from community members, each of the four county mayors, state legislators, and county council members. Clearly, maintaining the current channel locations of PEG access channels is in the public interest.

Thank you Chair Baker and committee members for your support on this very important matter that preserves and fosters local community access programming for all of Hawaii.

Thank you again for the opportunity to offer our strong support of SB 36 SD1.

SB-36-SD-1

Submitted on: 2/21/2018 11:33:15 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Madden	Testifying for PlayBuilders of Hawai'i Theater Company	Support	Yes

Comments:

am founder and managing director of a small community based theatre company called PlayBuilders of Hawaii Theater Company, whose mission is "to gather and share real stories that resonate with, empower, and connect individuals within the many rich and diverse communities in Hawai'i." 'Olelo Community Media has been with us since our founding in 2011, video taping and airing our original plays which we have written with and for both geographic and special interest communities on 'Oahu. Some of the communities we have served include the geographic communities of Chinatown, Wahiawa, Waipahu, as well as Hawaii's homeless, LGBT, and Foster Youth communities. For all our projects, I have served as a community organizer; working with organizations such as the The Wahiawa Historic Society, Catholic Charities, Hawaii, Waipahu Community Coalition, Foster Care Training Committee, Leeward Community College, The Waianae Comprehensive Health Center, the Mele Program of Honolulu Community College, Nanakuli High and Intermediate School, and the Hawai'i State Department of Health.

When 'Olelo has taped our plays and televised them, the impact and reach of our plays have been amplified significantly. This empowers the community members of the often-marginalized communities we work to be heard, not only by our audiences who attend our plays, but to thousands of others living in Hawaii Nei.

By displacing 'Olelo and moving it to channels difficult to find, you are doing a huge disservice to our community. I am unsure why they could be allowed to do this. Isn't part of the reason Spectrum and companies like Spectrum are given cable rights because they agree to provide public access to the airwaves? Moving the channels to a place where it is impossible to find that access defies the spirit of that agreement. Personally, as a Spectrum customer, the easy access to 'Olelo is one of the reasons why my husband and I continue our cable subscription. And if they are allowed to do what they are planning, they will surely lose customers like me who realize that their are other options available to us for news and entertainment.

Spectrum's attempt to silence community media by displacing local programming

channels and imposing barriers to access these channels discriminates against community access organizations like PlayBuilders and is not pono. They may be allowed to do this in other states on the continent, but because Hawai'i is different and more removed from the concerns of the mainland, Spectrum can and should leave our community access channels where they are – like Hawaiian Telcom, O'ahu's other franchised cable operator, who keeps the 'ĀĀelelo channels on digital 49, 53, 54, and 55.

Sincerely,
Terri Madden
Spectrum Customer
Managing Director and Founder of PlayBuilders of Hawai'i Theater Company

STACY K. HIGA
President & CEO



2-22-18
Committee on Commerce, Consumer Protection and Health
Re: SB 36 SD1
In support

Dear Senator Baker, Senator Tokuda, and Committee,

Na Leo TV (NLTV) supports SB 36 SD1. This bill is sorely needed to protect over 23 years of committed service that NLTV has provided via PEG access for the island of Hawaii. Island residents know exactly where to find their locally produced programming, including the Hawaii Island County Council meetings, as well as the state legislature viewings.

Two years ago, Charter promised to be a great partner in their meetings to renew the cable franchise agreements for East and West Hawaii. Oceanic Time Warner had always done a great job in working with our station, and we were told that relationship would continue, if not get better.

The past few years, NLTV has undergone extensive rebranding and marketing to promote and engage our island residents in the importance and relevance of a local TV station. Our value and importance has increased, because we have focused on the core mission and values of providing hyper local events like: Hilo High School Graduation Live coverage, BIIF Boy's and Girl's Basketball Live Championship games, University of Hawaii Men's and Women's Live basketball games, BIIF Division 2 Boy's Championship Football game as a live event, TMT coverage as a live event for over 44 days, Local election night coverage, and many more community events to numerous to list here.

NLTV has and is working with Hawaii County Civil Defense on a Emergency Broadcast Channel. This endeavor allows the local Civil Defense administration to broadcast LIVE from their headquarters on channel 55 any time that they feel it is needed. This alone is another very important reason on why SB 36 SD is very crucial. When used properly and efficiently, our island residents can get important Civil Defense information from our channels. We have already launched this initiative in 2017, and moving our channels would only cause more confusion.

There is no reason for Spectrum to relocate any of our channels. We have voluntarily "given back" tremendous bandwidth in the move to a new digital migration from analog channels.

This legislation is an integral part of keeping Hawaii, Hawaii. I thank you and the entire Hawaii legislature for understanding how important local TV programming is to our Hawaii Island Community!

Sincerely,



S.K. Higa
President & CEO



To: COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

Date: Thursday, February 22, 2018; 9:30 AM

Subject: SB 36, SD1, Relating to Consumer Protection

Submitted by: Alexander Alike Jamile, Executive Director and President, Moanalua Gardens Foundation (MGF)

Moanalua Gardens Foundation (MGF) strongly supports SB 36, SD1. Community access channels are critical to bringing cultural programming like the Prince Lot Hula Festival to thousands of viewers in and out of our state.

As a community service, Olelo Community Media telecasts the annual Prince Lot Hula Festival, the island's largest non-competitive hula exhibition, on Channel 53 which is universally known and recognized as the channel for public programming. The recent proposal by Charter/Spectrum to relegate this valuable programming to unknown channels is discriminatory and will negatively impact our community.

Olelo has filmed, edited and broadcast the festival through a series of programs watched by many. This public service is invaluable to small non-profit organizations like MGF which lack the resources to have this done commercially.

The programs have drawn praise from our local audience, many of whom are elderly and cannot attend the festival in person. They have expressed their gratitude for Olelo's broadcasts which have allowed them to "participate" from home.

No one company should have the ability to reallocate channels without oversight from the Department of Commerce and Consumer Affairs (DCCA) which will be an impartial and fair voice in reviewing any changes affecting Hawaii's broadcast entities.

For this reason and more, MGF respectfully requests your support of this important legislation which will ensure greater transparency and fairness in the way broadcast channels are allocated.

Mahalo a nui loa,



Alexander Alike Jamile
Executive Director and President
Moanalua Gardens Foundation

SB-36-SD-1

Submitted on: 2/21/2018 6:15:48 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rev. Marissa Greene LPN	Testifying for Healing Arts Hawaii	Support	No

Comments:

Healing Arts Hawaii is a trauma-informed art workshop program based out of Wahiawa. As a survivor of domestic violence, sexual assault, and rape, it is my way of being able to give back to my community. I work island-wide with abuse survivors, human trafficking victims, the homeless, veterans with PTSD, drug/alcohol treatment facilities, and low-income families, etc.

Science is showing us that participation in creativity (and even observation) can boost the immune system, decrease depression and anxiety, and lower blood pressure!

Healing Arts Hawaii partners with various organizations to provide these services. But, with the help of Olelo Community Media, Healing Arts Hawaii is being equipped to reach an even wider audience by providing the general public with these services.

Moving the current channels to cable-oblivion would greatly hinder our ability to provide quality therapeutic creativity to as many people as possible! Please allow us to keep our current channels so that our community voices can be heard!

SB-36-SD-1

Submitted on: 2/21/2018 7:32:44 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Skye Moore	Testifying for Rare Disease Hawaii	Support	No

Comments:

Rare Disease Hawaii is more than just an outreach informational & support group. It is a Olelo TV Series in it's 3rd yr. We give awareness & attention to Rare Diseases in Hawaii that normally would not be mentioned in any other media format in Hawaii. IF a Free Public Access show is placed on a paid digital format & taken off basic tv(which is still free) or basic cable to a paid format, then those that are out to recieve the type of informational interaction my show provides to get info to those in criitical need or answers to their Rare Disease will be in a situation that may effect their rare disease or lives in a negative way. The thank you's & mahalos I get for having my show isn't on talked about on Major TV, it's in the smiles of those that stop me on the street to say thanks, I watched your show & learned about something I may think I have or mahalo to get out the word on a Rare Disease Patient story they saw on Olelo. These are real people that will be really effected by the lost of my show, as I hear how they look forward to the next show. Mahalo for passing on this bill to do the right thing by the people of Oahu*

SB-36-SD-1

Submitted on: 2/21/2018 9:58:49 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Augustus Acosta	Testifying for ALEA Bridge	Support	No

Comments:

We are in strong support of this bill. We know firsthand the importance of public access channels to the community and community-based organizations. We urge the Legislature to oppose any measure of redesignation and take the necessary steps to retain/increase viewership for these public access programs.



... Where hope is in the home

Board of Directors

Jill Kuramoto
Acting President
Jill Kuramoto
Vice-President
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Michelle Kreis
Secretary

Alex Santiago
Raina Gushiken
Wendy Chang
June Mellor

February 21, 2018

Mr. Laurence "Buzz" Schott
Senior Director, Government Affairs, West Region
Charter Communications
10450 Pacific Center CT, San Diego, CA 92121

RE: Digital Transition – PEG Channels Placement

Aloha, Laurence:

I strongly support SB36. I already voiced my concerns to Spectrum/DCCA. Here is my original letter.

PARENTS, Inc. has become aware that Charter Communications dba Spectrum will be changing and relocating the Public, Education and Government (PEG) current channels, specifically Olelo channels 49, 50, 53, 54 & 55, to new higher numbered channels on Oahu, and throughout the State of Hawaii.

As a local 501(c)(3) non-profit organization, we depend on Olelo sharing our mission and services with our community. The people of Hawaii are familiar with the Olelo channels; know exactly where to find them, and tune in to Olelo on a regular basis to hear about what is happening and how to access services throughout Hawaii's communities.

It is our understanding that it is not necessary to relocate these channels rather it is a preference by Spectrum to enhance the viewer's experience. The proposed changes will be harmful to non-profit organizations and to viewers who depend on the current channel allocation to keep them well informed.

We respectfully request to have our PEG channels remain at their current location and to retain the current channel designations of those on Oahu and the neighbor islands.

Sincerely,

Lisa Groulx
Executive Director

Oahu:
45-955 Kamehameha
Hwy
Suite 305
Kaneohe, HI 96744
(808) 235-0255
Fax: (808) 247-0447
www.hawaiiparents.org

Hawaii:
120 Pauahi Street
Suite 210
Hilo, HI 96720
(808) 934-9552
Fax: (808) 934-9553

95-5657 Mamalahoa
Hwy., Unit 5
Na'alehu, HI 96772
(808) 333-3460
Fax: (808) 333-3461



cc Catherine P. Awakuni Colon, DCCA
Sanford Inouye, Olelo Community Media



SB-36-SD-1

Submitted on: 2/21/2018 11:03:02 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Shinsato	Testifying for Hawaiian Music Hall of Fame	Support	No

Comments:

STOP CHARTER/SPECTRUM'S FORCED CHANNEL CHANGE AND KEEP ALL OF OUR COMMUNITY ACCESS CHANNELS WHERE THEY ARE!

I work with the Hawaiian Music Hall of Fame, and many of our Hawaiian music and hula events are aired on 'Olelo channels. This allows viewers who cannot attend our quality concerts to appreciate and enjoy excellent traditional Hawaiian music and hula which are becoming rarer these days as our master musicians are dying and Hawaiian entertainment is not as ubiquitous as it used to be in Waikiki and other places. Changing channels for our kupuna would be confusing and frustrating, and new viewers would probably miss the opportunities to learn and appreciate the music of their grandparents/great grandparents and the world-renowned artistic expression of the host culture. It would be a shame to place these channels in digital Siberia! Therefore, I repeat:

STOP CHARTER/SPECTRUM'S FORCED CHANNEL CHANGE AND KEEP ALL OF OUR COMMUNITY ACCESS CHANNELS WHERE THEY ARE!

Mahalo & Aloha,

Ann Shinsato

Hawaiian Music Hall of Fame

Admin. Assistant

Cel. 392-3649

SB-36-SD-1

Submitted on: 2/22/2018 6:36:28 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ricardo D Trimillos	Testifying for Hawaiian Music Hall of Fame	Support	No

Comments:

Public, educational, and governmental channels must be protected from marginalization or reduced access through forced relocation by any cable operator. The DCCA should have oversight and authority to regulate in this regard.

SB-36-SD-1

Submitted on: 2/22/2018 6:58:33 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelli Buenconsejo	Testifying for Waipahu Community Coalition	Support	No

Comments:

I strongly support SB36. I already voiced my concerns to Spectrum/DCCA. Here is my original letter

SB-36-SD-1

Submitted on: 2/22/2018 7:26:33 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Avery Jenkins	Testifying for Akaku Maui Community Media	Support	No

Comments:

Charter Communications is the new franchise holder for Oahu, but as yet there has been no agreement on Maui. Several issues of character and trust have been presented through recent actions of Charter/OTWC that demonstrate why a bill like SB36 is needed. Charter is unilaterally moving the channels on Oahu without providing HD channels. Not honoring a key part of their Oahu agreement, I see it very concerning that the DCCA has yet to enforce any sort of standard. The DCCA promised the new franchise holder would provide HD channels to Public Access. This bill is a good start to a longer discussion of the importance of public access centers and having Charter Communications provide access for the community in an equitable manner for utilizing our public rights of way for their internet and television distribution. I support this bill.

SB-36-SD-1

Submitted on: 2/22/2018 7:35:04 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deanna DOlier	Testifying for Hawaii Association of Independent Schools	Support	No

Comments:

HAIS strongly supports SB36 for several reasons:

- The Hawaii Association of Independent Schools, in partnership with the Hawaii Educatinal Network Consortium annually produces educational programming that is aired on public television. Such programming is an important outreach service both to state educators and the public. Disruption of service would interfere with this programming.
- Community access channels are critical to consumer protection. Public, Education, and Government access, in particular, government channels, are necessary tools to alert the public during natural disasters and emergencies.
- The Department of Commerce and Consumer Affairs safeguards our rights as consumers. SB36 further enables the DCCA to protect us from unfair and deceptive business practices.

SB-36-SD-1

Submitted on: 2/22/2018 7:53:06 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Testifying for Hawaii Justice Coalition	Support	Yes

Comments:

Aloha,

On behalf of Hawai'i Justice Coalition, I am writing in strong support of SB 36. This bill would require the department of commerce and consumer affairs to regulate all channel designations and relocation of public, educational, and governmental access channels.

Public access television that is ACCESSIBLE to the public is critical to an engaged and informed representative democracy.

Although we live in an age of modern technology, many families do not have a computer or internet access within their homes. As a result, many depend upon television to obtain news and educational programming.

Channel scrambling thwarts the exchange of ideas, and puts corporation profits above the people. In order to encourage an engaged, educated citizenry, we need to have access to diverse educational programming about local issues that impact us most.

In some cases, individuals who are infirm, or immobile, are unable to attend legislative hearings and public events. Access to these governmental proceedings and community events is essential to staying informed, and learning about issues that are not discussed within "mainstream" television.

Please pass SB36.

Mahalo,

Carrie Ann Shirota

Hawai'i Justice Coalition

SB-36-SD-1

Submitted on: 2/22/2018 8:26:17 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ollie Ocampo	Testifying on behalf of Hina Mauka	Support	No

Comments:

I STRONGLY SUPPORT SENATE BILL 36 BECAUSE: ĩ,· Community access channels are critical to consumer protection. Public, Education, and Government access, in particular, government channels, are necessary tools to alert the public during natural disasters and emergencies. ĩ,· The Department of Commerce and Consumer Affairs safeguards our rights as consumers. SB36 further enables the DCCA to protect us from unfair and deceptive business practices. Charter/Spectrum’s forced channel change is not only deceptive, but unfairly discriminates against local voices and community access for the sake of increased profit margins. ĩ,· No cable operator should have the power to displace local channels. Localism is critical for consumer protection, especially in our island state. No outside entity should unilaterally decide what’s in the best interest of our communities. ĩ,· Local community voices and community access matters! Commercial channels like Bloomberg TV, Fox News, and the Home Shopping Network can already be viewed on multiple channels. DO NOT replace community access channels with for-profit TV. ĩ,· There is no legitimate reason for Charter/Spectrum’s forced channel change. Previous cable operators kept community access channels the same for over 20 years. Hawaiian Telcom continues to keep community access channels the same, too. ĩ,· Forced rebranding and financial strain for community media producers and ‘ÅĀlelo. The creation of new promotional materials, ads, etc. will be costly, will take an indefinite amount of time, and will drain already limited resources. In particular, ‘ÅĀlelo’s long-running Community Producers – many of whom are kÅ«puna – will face tremendous hardships to rebrand their programs to new channel numbers. ĩ,· Community Access Channels = Government Transparency. Community access channels, like ‘ÅĀlelo, is committed to covering and airing government programs such as legislative hearings, community town halls, and other events that inform and engage civic participation. No other local channel provides this service. ĩ,· Charter/Spectrum has a history of discriminating against community access. Charter/Spectrum’s forced channel change is an example of their cable-bullying track record in localities and states throughout the country. This includes going against decisions made by local officials and exorbitant service costs for school districts. For a sourced list, [CLICK HERE](#) and scroll down to the “Why This Matters” section. ĩ,· No one will find us in digital Siberia. By placing community access channels in the 180s and up, Charter/Spectrum is making it harder for people to find and watch local stories from community members like you. ĩ,· Severe channel confusion. Should Spectrum’s forced channel change occur, it will not

happen all at once. It will be a piece-meal roll-out. This means that Spectrum subscribers in Kapolei may see channel changes, while Waipahu

TESTIMONY OF CHARTER COMMUNICATIONS

Senate Committee on Commerce, Consumer Protection, and Health

Hawai'i State Capitol, Conference Room 229

RE: S.B. 36, S.D.1

FRIDAY, FEBRUARY 23, 2018

11:00 AM

Aloha Chair Baker, Vice Chair Tokuda and Members of the Committee,

I am Myoung Oh, Director of State Government Affairs, here on behalf of Charter Communications in **opposition** to S.B. 36, S.D.1, which requests the Department of Commerce and Consumer Affairs to regulate all channel designations and relocation of public, educational, and governmental (“PEG”) access channels and allows cable operators to relocate or change the designation of public, educational, and governmental access channels only under certain conditions.

Under federal law, the federal Cable Act, and the U.S. Constitution, the state cannot interfere in a business contract. Currently, channel placement is a negotiated provision within cable franchise agreements which pursuant to bilateral negotiation, as recently as 2016, has left discretion on channel location with the cable operator. DCCA and Charter negotiate license agreements balancing community interest--including current public access programming—among others. Channel location should be negotiated fairly between operators and regulators—not mandated by the state government

Federal courts have held that that cable franchises are contracts,^{1/} and thus any unilateral action by the legislature to modify the business terms that are explicit and indisputably afforded Charter under its current franchise with respect to PEG channel placement would violate federal law and the Constitution. For these reasons, and because unilaterally changing the terms of a negotiated contract is inequitable, Charter respectfully opposes SB 35, SD1.

^{1/} Cable franchises are contracts and should be interpreted in accordance with basic principles of contractual interpretation and applicable law. *See, e.g. Denver Area Educ. Telecomm. Consortium v. FCC*, 518 U.S. 727, 769 (1996) (Stevens, J., Concurring) (noting Court’s consensus view that franchise agreements between cable operators and local franchising authorities are contracts); *id.* at 794, (Kennedy, J., Concurring) (“[a] franchise agreement is a contract”); *Texas Cable & Telecomm. Ass’n v. Hudson*, 265 Fed. Appx 210, 212 (5th Cir. 2008), *cert. denied Sw. Bell Tel. v. Texas Cable & Telecomm. Ass’n*, 555 U.S. 938 (2008) (characterizing franchise agreements between cable operators and municipalities as “long-term contracts”); *Paragould Cablevision, Inc. v. City of Paragould*, 930 F.2d 1310, 1314-15 (8th Cir. 1991) (franchise is a bargained-for contractual agreement), *cert. denied* 112 S. Ct. 430 (1991); *Cablevision Systems v. Town of East Hampton*, 862 F. Supp. 875, 887 (E.D.N.Y. 1994), *aff’d* 57 F.3d 1062 (2d Cir. 1995) (treating franchise agreement as a contract and holding that provisions of such agreements that are inconsistent with the Cable Act are preempted by Federal law).

There is no rate change associated with the movement of these channels, nor any impact on the content or availability of PEG services.

BACKGROUND

Charter Communications is a dedicated community partner in Hawai'i. We currently have over 3,500 Wi-Fi hotspots deployed throughout the islands with a commitment to provide hundreds more in 2018. We employ 1,400 Hawai'i residents and contribute to Hawai'i's economy with over \$50 million in taxes.

We have also raised our base-level broadband speed to 200 Mbps for new customers and have launched Spectrum Internet Assist, our low-cost broadband program, for low-income families and seniors, which at 30 Mbps, will be the fastest program of its kind offered by any broadband provider, and we believe will have a tremendous positive impact on the communities we serve in Hawai'i. We also committed to improve service with by converting to an all-digital network.

OVERVIEW OF CHARTER'S ALL-DIGITAL CONVERSION.

Since acquiring the cable systems in May of 2016, Charter has continued to make investments in its network to enhance the services we provide to our customers.

Spectrum is upgrading the cable television system to provide all-digital service, which will bring many benefits to our viewers with more HD channels, better video quality and faster broadband internet speeds to name a few. Spectrum's upgrade to 100 percent digital is a merger commitment and is a tremendous value for customers.

As part of the all-digital upgrade, consumers will receive:

- Better picture and sound;
- Over 70 new channels and increased On-Demand viewing options;
- Enhanced digital TV Guide and search capabilities;
- Improved service quality on digital boxes through two-way communication; and
- Faster Internet speeds with starting speeds of 200 Mbps.

Indeed, in anticipation of the all-digital transition and in light of the additional capacity available on our network, Charter has already increased the starting speed for new customer from 60 Mbps, to 100 Mbps, and now 200 Mbps in many of service areas in Hawaii. Additionally, Hawaii was the first market in which we launched our 940 Mbps Spectrum Internet Gig service, consistent with Hawaii's broadband objectives.

PEG CHANNEL LINEUP CHANGES.

With the addition of 70 new channels, the line-up and locations of some channels will be moved simultaneously with the Charter's transition to all-digital technology. We recognize that change

can be unsettling, but we are confident that the enhanced Spectrum Guide will help viewers easily navigate the channel locations.

These changes are not limited to the PEG channels, however, Charter does intend to move the PEG Channels from their current positions, between 48 and 55, to new positions between 181 and 187.

However, despite these channel relocations, the PEG viewers will be able to locate and customize their remote control to easily access these channels. And, with the clustering of PEG and news channels together, 'Olelo and the other PEGs will likely get new viewers due to their new neighboring channels.

Misconceptions About the PEG Channel Relocation.

Charter notes that, in response to this change, there has been a lot of mis-information being circulated regarding the impacts of this change. For the sake of clarity, we want to confirm that:

- **Charter is not “slamming” the PEG Channels or trying to make them hard to find.** The company has always supported PEG and has continued to do so since acquiring these systems in 2016. The reality is that these channel positions are comparable to those used by many major content providers. The PEG channels are:
 - Lower than 70% of the channels including MTV and Nickelodeon.
 - Located right below popular sports networks like the NFL Network.
 - Easily located through the Channel guide like any other channel.
- **Spectrum is not attempting to “silence” the PEG Channels.** Nothing could be farther from the truth. As previously mentioned, many popular cable networks reside in the same general area on the channel lineup and after the all-digital transition, all PEG channels will still be available as a part of Charter’s Basic Service tier.
 - Charter does not control the content on the PEG channels, but we believe that they will continue to provide an outlet for the community, provide coverage of government proceedings, and provide opportunities for independent media.
 - Charter will continue to do its part by carrying this content on our cable system and making it available to all subscribers.
- **Customers will not need special equipment to view the PEG Channels.** Charter is confirming that, once the digital transition is completed, all subscribers, including those with DTAs, will have access to all PEG access channels that are currently available to them.
 - Digital technology enables modern, interactive services that have become the industry standard.

- Like other digital cable providers such as Hawaiian Telcom, digital cable technology does require equipment.
- This applies to cable service generally and is not unique to the PEG Access channels.
- Further, subscribers are entitled to receive up to two set-top boxes at no cost for up to two years depending on the current service level.

Spectrum has been very supportive of the PEG channels and generates millions of dollars each year to help fund their operations.

Because S.B. 36, S.D.1 is an attempt to unilaterally change the terms of a negotiated agreement, is inequitable, and violates federal law, Charter respectfully opposes. Cable franchise agreements are contracts negotiated by cable operators and DCCA taking into consideration community needs and requests for a variety of concessions, including PEG channel carriage requirements.

And for these reasons, we respectfully ask this committee to hold this measure.

Mahalo for the opportunity to testify.

SB-36-SD-1

Submitted on: 2/21/2018 11:48:12 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pat Dukes	Testifying for OLELO COMMUNITY MEDIA	Support	No

Comments:

This will create confusion, seniors already are having a hard time remembering the Channels which are different with Hawaiian Telcom and Spectrum, changing it again will add more confusion. A taxi driver I spoke with recently had said at night when he can't sleep he is channel surfing and enjoys watching Olelo programs. If these channels are relocated way in the back, this driver would fall asleep before finding Olelo programs.

Thank you. I hope you will take this into consideration.

SB-36-SD-1

Submitted on: 2/20/2018 7:19:22 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lindsey Nordquist	Individual	Support	No

Comments:

I support SB36 SD1. Thank you

SB-36-SD-1

Submitted on: 2/20/2018 7:35:23 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I am in full support.

Lynne Matusow

SB-36-SD-1

Submitted on: 2/21/2018 12:05:34 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Rees	Individual	Support	No

Comments:

I strongly support SB 36 and urge you to pass this legislation.

Olelo Community Media is an important part of the media landscape on Oahu. Our channels are dominated by the networks and Olelo needs to be right alongside them for fair and equal public access. Community voices need to be on the Prime Tier channels.

We need to safeguard our right to free speech and protect it for generations to come.

SB-36-SD-1

Submitted on: 2/21/2018 12:27:11 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ann chung	Individual	Support	No

Comments:

SB-36-SD-1

Submitted on: 2/21/2018 1:36:59 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaylin Infante	Individual	Support	No

Comments:

SB-36-SD-1

Submitted on: 2/21/2018 1:45:31 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

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

Comments:

SB-36-SD-1

Submitted on: 2/21/2018 1:47:45 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Krystal Baba	Individual	Support	No

Comments:

SUPPORT! Thank you for everyone's consideration!

Krystal Baba

Waipahu, HI

SB-36-SD-1

Submitted on: 2/21/2018 4:01:20 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Dilberto	Individual	Support	No

Comments:

Please pass this so the cable company cannot slam the PEG channels into digital siberia. This is important for people who need access to government, educational and youth programming.

mahalo,

Louis Diliberto

SB-36-SD-1

Submitted on: 2/21/2018 4:02:57 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

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

Comments:

'ĀĀelelo Community Media is a very important pilar in the way our community can freely express ideas and get information out. I am very dissapointed in Spectrum for scrambling the channels and making the hardwork of all group, individual, and community producers of 'ĀĀelelo even tougher to get out. After competeing te 3-week 'ĀĀelelo training I can tell you creating media and producing videos is NOT an easy task. This is a totally rude and unnessesary step from Spectrum and I want to voice my strong support for Bill 36.

Mahalo,

- Malia k Harunaga

SB-36-SD-1

Submitted on: 2/21/2018 4:21:23 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brenn Nakamitsu	Individual	Support	No

Comments:

To whom it may concern:

The channel slamming that Spectrum had planned should be something that is regulated especially when it affects local Public, Educational, and Governmental channels. What Spectrum is doing defeats the purpose of why these non-commercial access channels were established to begin with. They were set up for no other purpose but to create access to cable television studios for people who would otherwise not have a voice and to encourage civic engagement by televising issues of public importance, providing in depth coverage of government meetings and making government more accessible to the masses. I'm sure other commercial stations would be granted at the very least, the courtesy of being able to market the rebranding/reallocation of the channel and have some sort of notice to its viewers. For public access stations, no such courtesy was given, just a 30 day notice. Please keep these bigger money mongers in check when it comes to our local access stations.

Mahalo,

Brenn Nakamitsu

SB-36-SD-1

Submitted on: 2/21/2018 4:21:33 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Luksic	Individual	Support	No

Comments:

Aloha,

Charter Communications is the new franchise holder for Oahu, but as yet there has been no agreement on Maui. Charter is unilaterally moving the channels on Oahu without providing HD channels. The DCCA promised the new franchise holder would provide HD channels to Public Access. The DCCA seems remiss in properly regulating Charter communications for the public good. Why does Public Access not have the same tier structure as other local channels? This bill is a good start to a longer discussion of the importance of public access centers and having Charter Communications provide access for the community in an equitable manner for utilizing our public rights of way for their internet and television distribution. I support this bill.

Stephen Luksic

SB-36-SD-1

Submitted on: 2/21/2018 4:38:45 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

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

Comments:

Aloha,

In support of SB 36.

Charter Communications is the new franchise holder for Oahu, but as yet there has been no agreement on Maui with Spectrum. Charter is unilaterally moving the channels on Oahu without providing HD channels. The DCCA promised the new franchise holder would provide HD channels to Public Access. The DCCA seems remiss in properly regulating Charter communications for the public good. Why does Public Access not have the same tier structure as other local channels? This bill is a good start to a longer discussion of the importance of public access centers and having Charter Communications provide access for the community in an equitable manner for utilizing our public rights of way for their internet and television distribution. I support this bill. Public Access centers are the backbone of our community and need to be fully supported and Oahu is just the prelude to the outer islands. We will all stand together as community public access centers against the cable companies. Please pass this.

-Dana Fulton

SB-36-SD-1

Submitted on: 2/21/2018 4:46:01 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Streb	Individual	Support	No

Comments:

I strongly support SB36- I have already voiced my concerns to Spectrum/DCCA- below is my original letter detailing the reasons why I strongly support SB36 and any measures taken to protect the `Olelo Channels and free speech.

January 30, 2018

Laurence "Buzz" Schott

Senior Director, Government Affairs, West Region

Charter Communications

10450 Pacific Center CT, San Diego, CA 92121

Dear. Mr. Schott,

"My daughter called this afternoon and I told her I was at `Olelo. She laughed and replied 'Mom, you're always at `Olelo!' I told her yes, because `Olelo is my Ohana and I love to come here to work on my programs and to hear the laughter of the community."

I overheard this conversation between a well known member of the Vietnamese community on Oahu and the staff at `Olelo Community Media and couldn't help but smile. This is one of the countless examples of stories that not only walk through the doors at each of the six community media centers along the island, but also produce original content for the `Olelo Channels. I am writing today to ask that you keep the `Olelo Channels where they are and stop all plans to relocate the `Olelo Channels to the 180s. I believe it is crucial to keep PEG access readily available to the public for the growth and continuation of the Hawaiian Culture and to ensure freedom of speech in the current tumultuous political climate.

'Olelo's mission "to strengthen island voices and advance community engagement through innovative media" has been executed on the island of Oahu since 1989. While

many movements throughout history have devastatingly left Hawaiian people stripped of their identity and culture- the 'Olelo channels continue to be a resource for the Hawaiian people to share and demonstrate their culture and ideals, inform thousands of people about the staples of ancient Hawaiian culture, and lastly serve as a way to inform the Hawaiian community about upcoming legislature that impacts everyday life. PEG access is crucial to the continuation of the Hawaiian Culture. By burying the 'Olelo channels, you are actively choosing to "bury" the Hawaiian culture.

As "fake news" headlines become normalized in today's political climate- it is exceedingly important to maintain easy access to all PEG access channels. Placing the `Olelo channels in the 180s will force residents of Oahu to delve out more money towards a HD cable box and when it comes down to it, residents do not have the money to do so. Moving these channels is strategic in taking away the voice of the people. I am aware of Spectrum's behavior and biased towards PEG stations around the nation and the Aloha State will not tolerate this bullying. Use your intellect and more importantly- your heart, and see the importance of keeping the `Olelo channels where they have been for the last 29 years.

`Olelo continues to provide state of the art media training for the residents of Oahu who in turn have continued to produce original local content. Please reconsider your decision to move `Olelo channels 49, 53, 54, and 55 to digital Siberia. Now, more than ever, independent programming is crucial to promoting free speech. I hope you will read this with an open mind and should you have any questions, please feel free to contact me. I can't imagine my time on the island of Oahu without `Olelo- the people it has introduced me to, the equipment it has provided myself and other community producers, and most importantly the paramount part it has played in my understanding of the Hawaiian Culture.

Mahalo,

Margaret Streb

SB-36-SD-1

Submitted on: 2/21/2018 4:53:29 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Jay Ganaden	Individual	Support	No

Comments:

I STRONGLY SUPPORT SENATE BILL 36 BECAUSE:

- Community access channels are critical to consumer protection. Public, Education, and Government access, in particular, government channels, are necessary tools to alert the public during natural disasters and emergencies.
- The Department of Commerce and Consumer Affairs safeguards our rights as consumers. SB36 further enables the DCCA to protect us from unfair and deceptive business practices. Charter/Spectrum's forced channel change is not only deceptive, but unfairly discriminates against local voices and community access for the sake of increased profit margins.
- No cable operator should have the power to displace local channels. Localism is critical for consumer protection, especially in our island state. No outside entity should unilaterally decide what's in the best interest of our communities.
- Local community voices and community access matters! Commercial channels like Bloomberg TV, Fox News, and the Home Shopping Network can already be viewed on multiple channels. DO NOT replace community access channels with for-profit TV.
- There is no legitimate reason for Charter/Spectrum's forced channel change. Previous cable operators kept community access channels the same for over 20 years. Hawaiian Telcom continues to keep community access channels the same, too.
- Forced rebranding and financial strain for community media producers and 'ĀĀelelo. The creation of new promotional materials, ads, etc. will be costly, will take an indefinite amount of time, and will drain already limited resources. In particular, 'ĀĀelelo's long-running Community Producers – many of whom are kĀĀpuna – will face tremendous hardships to rebrand their programs to new channel numbers.
- Community Access Channels = Government Transparency. Community access channels, like 'ĀĀelelo, is committed to covering and airing government programs such as legislative hearings, community town halls, and other events that inform and engage civic participation. No other local channel provides this service

- Charter/Spectrum has a history of discriminating against community access. Charter/Spectrum's forced channel change is an example of their cablebullying track record in localities and states throughout the country. This includes going against decisions made by local officials and exorbitant service costs for school districts.
- No one will find us in digital Siberia. By placing community access channels in the 180s and up, Charter/Spectrum is making it harder for people to find and watch local stories from community members like you.
- Severe channel confusion. Should Spectrum's forced channel change occur, it will not happen all at once. It will be a piece-meal roll-out. This means that Spectrum subscribers in Kapolei may see channel changes, while Waipahu subscribers will not see any channel changes. Meanwhile, Hawaiian Telcom, the other cable operator on O'ahu, will carry the same 'ĀĀlelo channels
- Community access channels are not for sale! Low tiered channel locations that are below channel 100 are worth more than channel locations in digital Siberia. Charter/Spectrum's forced channel change is a prime example of corporate greed

Gerald Jay D. Ganaden

Waipahu, HI

SB-36-SD-1

Submitted on: 2/21/2018 6:10:40 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Galli	Individual	Support	No

Comments:

I strongly support SB36. I already voiced my concerns to Spectrum/DCCA. Here is my original letter.

Aloha to all concerned:

I understand there are plans under consideration to move the PEG Access channels away from their long-time position.

Please do not do this.

PEG Access grew from a desire to preserve First Amendment rights. People use those rights, and the services provided by Olelo, in pursuit of myriad noble goals. They are important and integral tools to the development, repair, and maintenance of the social community of which all Oahu residents are part.

Repositioning the PEG Access channels, and in doing so, imposing additional fees on their access, is an attack on our First Amendment rights, and clearly violates any definition of Corporate Social Responsibility. Not only does it exclude people from viewing the messages shared by members of their community, it forces Olelo to squander their limited resources on rebranding and on outreach instead of facilitating a cooperative venue for community communication.

While this decision may fall within the words of the charter agreement, it clearly violates the spirit.

I say again: Please do not do this.

Mahalo,

Tom Galli

Chaminade University of Honolulu

SB-36-SD-1

Submitted on: 2/21/2018 8:21:22 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorene Godfrey	Individual	Support	No

Comments:

I strongly support SB36. I already voiced my concerns to Spectrum/DCCA

SB-36-SD-1

Submitted on: 2/21/2018 9:11:11 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

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

Comments:

I am in support of the Bill SB36 SD1,

This Bill will protect consumers from cable companies indiscriminately moving local PEG channels from their lower tier ID positions, that they have occupied in the state of Hawaii for decades, to unrelated and hard to find tiers. This unfair practice nationally has been devastating to PEG centers and their local audiences, and to their ability to get relevant and important information. PLEASE pass this Bill. Mahalo.

RE: OPPOSITION TO PROPOSED PUBLIC, EDUCATION, AND GOVERNMENT (PEG) CHANNEL LOCATION CHANGES

I have been following Olelo's plight with Charter Communications/Spectrum's decision to relocate the Public, Education, and Government (PEG) channels on Oahu. I strongly disagree with the moving of the channels. Hawaii is made up of small islands many miles from the mainland and as such, the residents here are very involved in their community. Olelo is the only provider of a local channel that is dedicated to government programs, which ensures governmental transparency. Channels 53, 54, 55 along with 50 and 52 are synonymous with Olelo programming, to simply relocate them to some obscure numbers between 182 and 187 is crazy. Olelo is highly regarded on Oahu as a place for residents to vocalize their voice. Will Charter Communications/Spectrum move the local national affiliate stations, PBS and OC 16 to the high 100's? I read that Hawaiian Telcom plans on retaining Olelo's channel ID numbers. I also read that Charter Communications/Spectrum subscribers will have to have a box to view the stations, which subscribers will be charged a monthly fee. The more I read about Charter Communications/Spectrum the more I want to cancel my cable, internet and phone service with them, and sign up with Hawaiian Telcom. I feel like Charter Communications/Spectrum does not understand Hawaii or its residents, and Charter Communications/Spectrum is just looking to make money off of Hawaii. These are Oahu's only local stations and they matter! Please make sure Charter Communications/Spectrum is unable to move or change the channels numbers. Charter Communications/Spectrum is taking away Oahu resident's option of freedom of speech by relocating their channels in the 180's!!!

Please stand up for the residents of Hawaii, and make sure that Charter/Spectrum will be unable to slam the public access station's channels on Oahu, Maui, Kauai, and the Big Island. Hopefully, the legislature, governor, and/or DCCA will hear the voices of Hawaii and legislate that Charter/Spectrum not move the current channel numbers. Why can't the public access stations keep the same numbers, just like OC 16, PBS, and the local affiliate stations!!!!

Aloha,

Theresa Roberts

SB-36-SD-1

Submitted on: 2/21/2018 9:53:40 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Wright	Individual	Support	No

Comments:

I strongly support bill SB36

Larry Geller
Honolulu, HI 96817

SB36
CPH

Thursday February 22, 2018

COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

9:30 AM

Room 229

February 21, 2018

Re: SB36 Related to Consumer Protection

Dear Sen. Baker, Sen. Tokuda and members of the Committee:

The migration of public access channels to higher digital numbers is both unnecessary and harmful to viewers, particularly to senior citizens. Many older cable subscribers will likely lose access to programming they depend upon should the present channels be replaced with digital high-numbered channels.

First, please note that Hawaiian Telcom is keeping channels as they are. No channel re-assignment has been announced.

There is no pressing need to abandon the existing analog channels, and it is unlikely that Spectrum needs the small amount of bandwidth reclaimed by the transition. Changing the channel numbers is also unnecessary. **It is important to keep the public access channels on the lowest tier of service, which is analog.**

According to information I received on calling Spectrum, a digital adapter box can be mailed or picked up. It is required for each TV that does not now have a cable box. I was told that if the adapter is not installed at the time the `Olelo channels are migrated, the TV screen will show either a scrambled image or be blank. I was told that the conversion in my area would take place by March 13 and would be complete for all locations on Oahu by the end of August, 2018. I have not yet been informed by Spectrum of the change—there is nothing on my bill, for example.

As a senior advocate, I am aware that many older people will not even have the tool necessary to unhook the cable and install the additional piece of equipment, which will likely also require electrical power. With this concern in mind, I asked the Spectrum customer representative if they would install the necessary hardware if a viewer could not do so on their own. The answer was yes, but Spectrum would charge a \$49.99 installation fee. For these viewers, Spectrum will be effectively requiring that they pay \$49.99 to continue to watch my program. Many will likely give up viewing instead.

A newspaper article indicated that Spectrum also intends to charge a monthly fee for the use of these adapter boxes in the future.

Although I have no current understanding of the conditions of the franchise arrangement now in force, I do wonder whether the fee is permitted under its terms.

I am the presenter of a program called Democracy Now which has aired on `Olelo for almost exactly 14 years. The program airs daily and appears to have an audience in every demographic. In particular, senior citizens who are not “internet savvy” depend on the `Olelo broadcast for the national news coverage it brings to Hawaii.

As a past president of Kokua Council, a senior advocacy organization of which I am still a board member, I am aware of the popularity of this program among elders because I have been thanked on many occasions for presenting the program on `Olelo.

As part of its advocacy, Kokua Council encourages seniors and others to follow legislation at the State Capitol and to submit testimony on bills that affect them. Many, particularly those with mobility challenges, will watch sessions via Capitol TV on channels 49, 52, 53, or 54. The schedule of committee hearings and channels is posted on the state’s capitol.gov website.



Seniors who cannot attend legislative hearings in person and who watch them on Capitol TV but do not have digital adapter boxes will effectively be charged \$49.99 if installation of these boxes should be required of them. Some will instead choose not to participate in the legislative process.

Let me re-emphasize: the channels can be left as they are. Spectrum’s competitor is not moving the public access channels. The different numbers for different providers will be a source of confusion to all public access viewers on an ongoing basis.

The confusion, inconvenience, expense and potential disenfranchisement can be avoided by leaving the channels as they are.

Particularly for the Neighbor Islands there is leverage to require this since franchise agreements have not been completed. Keeping the Oahu channels as they are can be included as a condition in negotiations with Spectrum. However DCCA chooses to proceed, I do request that they work to keep the public access channels as they are now.

--Larry Geller

SB-36-SD-1

Submitted on: 2/21/2018 10:19:18 PM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deanna Espinas	Individual	Support	Yes

Comments:

SB-36-SD-1

Submitted on: 2/22/2018 4:44:49 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahlon Moore	Individual	Support	No

Comments:

I am the president of the Kaimuki Business and Professional Association, a group whose goal is to support economic advancement and community betterment in Kaimuki. Among the many projects we coordinate every year is the annual Kaimuki Christmas Parade - now over 70 years old - and one of the most cherished events of the year in Kaimuki for residents and visitors of all ages.

Because the parade is free to attend, we rely on funding it through registration fees. There is little money left over for other activities, including a televised broadcast of the parade. That's why we rely on Olelo Community Television. They record the event on video cameras, edit it and it is shown on Christmas Day - along with repeats throughout the holiday season;

The parade participants - especially children - then have an opportunity to view not only themselves but see the entire parade. More importantly, the Olelo broadcasts give the handicapped and elderly an opportunity to enjoy the annual event that they otherwise could not.

The broadcast of our parade is just one example of the many events and activities throughout the year that would not be possible without Olelo. Purchasing television time by our organization or similar ones is out of the question.

Large corporate decisions often neglect the little guy and without this legislation, we may lose this fundamental opportunity to preserve our unique community culture.

I thank you for your consideration.

Sincerely,

Mahlon Moore

1345 Koko Head Avenue

Honolulu, HI 96816

808-256-7221

SB-36-SD-1

Submitted on: 2/22/2018 6:17:12 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Hanakawa	Individual	Support	No

Comments:

I strongly support Senate Bill 36 because local community voices and community access matters! Commercial channels like Bloomberg TV, Fox News, and the Home Shopping Network can already be viewed on multiple channels. DO NOT replace community access channels with for-profit TV. In addition, our youth who learn to produce their own videos through school or other programs will not be able to have their friends, family, and the public see them! No one will easily find Olelo channels in "digital Siberia." By placing community access channels in the 180s and up, Charter/Spectrum is making it harder for people to find and watch local stories from community members such as our youth.

SB-36-SD-1

Submitted on: 2/22/2018 6:56:14 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Duane DeSoto	Testifying for non-profit	Support	No

Comments:

Aloha e Legislatures of Hawaii

I strongly support SB36 for Olelo Community Media to stay on Prime Channels.

Mahalo for your time. Duane DeSoto of Na Kama Kai

SB-36-SD-1

Submitted on: 2/22/2018 7:25:53 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kari Benes	Individual	Support	No

Comments:

SB-36-SD-1

Submitted on: 2/22/2018 8:12:55 AM

Testimony for CPH on 2/22/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Schneider	Individual	Support	No

Comments:

I believe it is important for our local non-profits be as accessible as possible on cable programming. Profits should not squeeze out the local voice from our community.

2/22/18

Senator Rosalyn Baker
Senator Jill Tokuda
Senator Stanley Chang
Senator Clarence Nishihara
Senator Russell Ruderman
Senator Will Espero
Senator Les Ihara, Jr

SUPPORT SB36 RELATING TO CONSUMER PROTECTION:

Dear Honorable Senators:

I strongly support SB36. I already voiced my concerns to Spectrum/DCCA. Here is my original letter

Charter Communications/Spectrum's decision to relocate Public, Education, and Government (PEG) channels on O'ahu is not in the best interest of our community in Waipahu and is not in the best interest of serving cable subscribers in Hawai'i. Spectrum's forced 'Ōlelo channel change will pave the way for forced channel changes to all other PEGs in the State of Hawai'i - Nā Leo on Hawai'i County, Akakū on Maui County, and Ho'ike on Kaua'i County. The harm that will be done to communities statewide, the loss in services and viewership, and the economic harm to each of the brands they have built over decades is of great concern. Local community voices and non-commercial programs will be replaced by paid programming and commercial channels.

'Ōlelo Community Media, O'ahu's non-profit PEG access provider, has been serving our communities for nearly 30 years. Like all other PEGs in the state, 'Ōlelo is committed to the principles of hyper local programming and freedom of speech. The channel numbers used by all of our PEGs have been established for 20-plus years. People know exactly where to find them. But Spectrum's forced channel relocation will abruptly change this, causing severe channel confusion that will begin in neighborhoods across O'ahu, and spread throughout the state. As Waipahu residents, we have yet to be notified of the change.

The hyper local programming 'Ōlelo provides includes City Council meetings, legislative hearings and sessions, community town halls, non-profit programs, and local stories produced by community media makers. In fact, 'Ōlelo provides the only local channel on O'ahu dedicated to government programs, an essential tool for ensuring government transparency. Channel 49 and Video On Demand Channel 50 enables the Hawai'i State Legislature, government agencies, and local officials to communicate timely messages, air public hearings, and capture government programs that inform and engage civic participation.

Spectrum's all-digital migration will also be an issue with our kūpuna who are less inclined to adopt new technology systems. (I/We) understand that although Spectrum provides installation support, it comes at a fee that low-income seniors cannot afford. Also, Spectrum's inconsistent information on the short and long-term costs of acquiring set-top boxes exacerbates the deep digital divide that still exists in our communities. The proposed changes will be an added financial burden on Hawai'i's working and fixed income families.

I strongly urge that all PEG channels remain at their current locations. Keep 'Ōlelo channels where they are!

Sincerely,

Colette Oshiro
Concerned Citizen

Cc: Catherine P. Awakuni Colon, Director
State of Hawai'i Department of Commerce & Consumer Affairs
(Via E-mail Only: cabletv@dcca.hawaii.gov)

Ji Sook "Lisa" Kim, DCCA Cable Television Administrator
State of Hawai'i Department of Commerce & Consumer Affairs
(Via E-mail Only: cabletv@dcca.hawaii.gov)

Sanford Inouye, President and Chief Executive Officer
'Ōlelo Community Media
(Via E-mail Only: communityrelations@olelo.org)