



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Higher Education and Technology
Friday, March 17, 2023
3:35 p.m.
CR 309 & Via Videoconference**

**On the following measure:
S.B. 1578 S.D. 1, RELATING TO CABLE TELEVISION SYSTEMS**

Chair Perruso and Members of the Committee:

My name is Jamie Sheu, and I am the Acting Cable Television Administrator of the Department of Commerce and Consumer Affairs' Cable Television Division. The Department offers comments on this bill.

The purpose of this bill is to: (1) add considerations for the Director of Commerce and Consumer Affairs to take into account when ensuring that the terms and conditions required for operation of an access organization are fair to the public in its designated service area; and (2) require cable operators to include viewership numbers in its reports to the Director.

With respect to the additional considerations in designations of the public, educational, and governmental ("PEG") access organizations, the bill proposes a new subsection (2) under Section 440G-8.3(f) to have the Director take into account "[t]he

economics of providing access in the service area, including but not limited to enabling connectivity and educational training in digital literacy, media literacy, and workforce development.” As drafted, this new subsection (2) appears to direct the Director to consider placing designation requirements on PEG access organizations to enable connectivity, and to provide digital literacy education, media literacy training, and workforce development.

HRS 440G-8.3 authorizes the Director to designate access organizations in each franchise area to oversee the development, operation, supervision, management, production, and broadcasting of PEG programming (PEG services) for that area. The Department appreciates considerations in setting PEG operating terms and conditions that provide ways in which PEG access organizations may further benefit the communities they serve. The Department recognizes that the PEG access organizations are in a unique position to provide benefits ancillary to the PEG services because the nature of those services require a direct relationship with their constituencies who can provide PEG content for broadcasting. However, the Department also recognizes that any requirements imposed should be directly related to the provision of the PEG services.

For this reason, the proposed additional considerations should only be considered to the extent they relate to and have a direct and sufficient nexus to the provision of PEG services.

With respect to the proposed amendment of HRS 440G-14, the Department supports this inclusion as an additional reporting requirement as it may help to inform

Testimony of DCCA
S.B. 1578 S.D. 1

future policy making provided that the viewership numbers are submitted as public non-confidential information.

Thank you for the opportunity to testify on this bill.

SB-1578-SD-1

Submitted on: 3/15/2023 6:12:10 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph D Pluta	WEST MAUI TAXPAYERS ASSOCIATION INC.	Oppose	Written Testimony Only

Comments:

The WMTA strongly opposes this bill as it's not necessary and not in the best interests of the people.

Do not pass this bill please. Mahalo

SB-1578-SD-1

Submitted on: 3/15/2023 6:54:13 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Sylvia Dolena	Aloha Animal Advocates and Pele Lani Farm LLC	Oppose	Written Testimony Only

Comments:

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Sylvia Dolena and **I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit.** There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

March 17, 2023

**TESTIMONY TO THE
HOUSE COMMITTEE ON
HIGHER EDUCATION & TECHNOLOGY PROTECTION
IN OPPOSITION TO SB 1578**

For Hearing on Friday, March 17, 2023

BY

J Robertson
Managing Director
Ho'ike: Kaua'i Community Television

Senate Bill No. 1579
Relating to Access Organizations

House Committee on Higher Education & Technology
Amy Perruso, Chair
Jeanne Kapela, Vice Chair

RE: SB 1578

My name is J Robertson, Managing Director Ho'ike Kauai Community Television, and I would like to submit testimony in opposition to SB 1578.

Viewership measurement of a Hawaii Public Access Station or Government or Education Access channels for that matter is essentially irrelevant to the purpose of Community Access to the media. This forum is provided for a variety of free speech purposes. We provide the opportunity to express oneself without regard for the content of the message. I wonder what the advantage would be of having PEG viewership numbers without any other reference to another channel performance. What would be the purpose of having viewership of a couple of channels out of the hundreds offered. If the numbers of a House committee meeting were low should the PEG eliminate legislative broadcasts? Absolutely not!

Our programming has no restriction other than slander, liable, and obscenity so quite often programs are of particular interest to a small segment of the population. This is particularly important in dealing with cultural practices and issues specific to one segment of our community. This is most important to marginalized groups within our county. We provide for the underserved and the underrepresented. They have every right to have a voice and opinion without regard for a number of folks to agree or tune in.

Charter Communications has expressed opposition to this bill for administrative and competitive purposes. That reveals the actual importance of the viewership ratings – it is a commercial exercise intended to generate revenue. Hawaii's Public, Education and Government Access channels are all non-profit entities and ad sales are not part of our operations. We would agree that viewership reporting of the PEG stations would serve no useful purpose.

Undefined "additional considerations" to ensure fair treatment of each community is excessively broad and vague. Each island has distinct characteristics that would make a single application potentially harmful to each of the operations. This is even more critical considering the vast differences in franchise fee payments to each of the Hawaii PEG's. Some of the suggested considerations are already in place as

standard practice. The Department of Commerce and Consumer Affairs receives annual reports containing volumes of data related to performance and community services. They are currently in an advantageous position to determine if the PEG operations are adequately serving each of the communities. What works in Honolulu does not work in all other places.

I remain in strong opposition to SB 1578

With Aloha,

J S Robertson

J S Robertson
Managing Director

SB-1578-SD-1

Submitted on: 3/16/2023 10:15:28 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Moran	Kihei Community Assoc. (KCA)	Oppose	Written Testimony Only

Comments:

Aloha Chair Perruso, Vice Chair Kapela and members of the HET Committee. My name is Mike Moran, President of the Kihei Community Assoc on Maui. We are strongly opposed to this measure, as it would put unneeded burdens of our Akaku Community Media here on Maui. , & offer no public benefit. Please say NO to SB 1578 SD!

Mahalo

Mike Moran for KCA

SB-1578-SD-1

Submitted on: 3/16/2023 3:08:03 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay April	Akaku: Maui Community Television	Oppose	In Person

Comments:

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March 17, 2023

TESTIMONY TO THE
SENATE COMMITTEE ON
HIGHER EDUCATION AND TECHNOLOGY
IN OPPOSITION TO SB 1578

For Hearing on Friday, March 17, 2023
3:35 p.m., Conference Room 309
BY

JAY APRIL
PRESIDENT & CEO
AKAKU MAUI COMMUNITY MEDIA

Senate Bill No. 1578
Relating to Cable Television Systems

TO CHAIRPERSONS PERRUSO AND KAPELA AND MEMBERS OF THE COMMITTEE

We now live in an age where social media and dominant, centralized, corporate media have pushed out local voices creating news deserts where people have no idea what is really going on here at the Legislature, at their County Council, or down the street in their own neighborhoods.

Everyone knows that the information we get from commercial TV is fueled by crime, scandal, and sensationalism driven by ratings and filtered through the point of view of advertisers and corporate owners. These outlets offer no civic engagement, no neighborhood news, no meaningful connection to the communities they serve. They have demonstrated over and over again that commercial media is deficient and always will be deficient in meeting community communications needs, particularly in areas as diverse, and geographically unique as Hawaii.

In the 70's The federal government recognized that fact and required that cable companies pay "rent" in exchange for use of our public rights of way. The way they would do this was to support PEG access with up to 5% of gross revenue. The State of Hawaii set forth a framework in HRS 440G to make it so. This framework is a major reason why Hawaii PEGs have become national leaders in their field. The last thing any of us need is a bill like SB 1578 which would, if passed, disrupt this successful working paradigm.

SB 1578 calls for amending state law governing PEG Access Channels to add additional mandates "enabling connectivity and educational training in digital literacy, media literacy, and workforce development." It also requires the cable operator to report viewership numbers for channels designated for public, educational and government access use.

There is no compelling reason to change state law to add reporting requirements that are the organic consequence of what we already do. It will not make us better. it will do the opposite by imposing an administrative and financial burden that will restrict our ability to adapt to real world technological change. It allows the state government to further encroach on how we conduct our business. Even the State of Hawaii Cable Television Division is against the bill.

As for viewership ratings, they are a commercial TV metric based on maximizing advertising revenue. Access channels and services are vastly different. These are the original electronic public parks where your Voice can be heard, where your speech is free, where you have open access to your community and to your leaders. One of the only places left where money doesn't do all the talking. A brick and mortar place where you can go to learn how to communicate, a real marketplace of ideas where you can express yourself without having to sell soap or sing for your supper. They are "electronic public commons" with non market based characteristics, diverse presenters, languages and audiences. Ratings and viewership metrics are a factor of course but should have the lowest priority on evaluating community communications needs. This bill magnifies their importance.

In a world inundated with thousands of entertainment platforms, this provision is simply a veiled attempt to restrict and diminish PEG Access. It ignores other valuable services like community building, coverage of local government, media training, and services to non-profit and NGO sectors that are information based, not ratings based, and often designed to narrowcast to specific audiences.

The real elephant in room is that access channels aren't even on the same playing field as all other channels on the system because, despite Letter Orders from DCCA in 2010 and 2014, the cable operator refuses to broadcast PEG Access in HDTV like it does with every other channel. Another reason why singling out the PEG channels for viewership metrics isn't a fair comparison.

This bill serves no purpose. It is a bill that no one wants. It is notable that is has no companion in the House. All it does is add more bureaucracy to an already understaffed and underfunded but highly functional and hugely successful community anchor institution that provides exemplary services to our Maui Nui community. Please defer this unnecessary legislation.

Thank you for the opportunity to testify today.

Written Statement of
Jeannine Souki
Senior Manager – Government & Regulatory Affairs

HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY
March 17, 2023 – 3:35 PM
Conference Room 309, Hawai'i State Capitol

**COMMENTS WITH REQUESTED AMENDMENT FOR:
S.B. 1578 SD1 – RELATING TO TAXATION**

To: Representative Amy Perruso, Chair
Representative Jeanne Kapela, Vice Chair
Members of the Committee on Higher Education & Technology

Re: Testimony providing comments for SB 1578 SD1 with requested amendment

Aloha Honorable Chair, Vice-Chair, and Committee Members:

Thank you for this opportunity to provide testimony on SB 1578 SD1, with a requested amendment for your Committee's consideration.

Hawaiian Telcom supports the intent of this bill to provide the Director of the Department of Commerce and Consumer Affairs ("DCCA") additional economic considerations to take into account to ensure the operation of a public access organization is fair to the public. However, we are concerned that adding a new requirement for cable operators to report viewership numbers for channels designated for public, educational, and government ("PEG") access to the DCCA Director adds an undue burden for cable operators. Cable operators, like Hawaiian Telcom, must balance our commitment to providing quality cable programming to our subscribers in a world that is increasingly more reliant on over-the-top services or online platforms.

Accordingly, we respectfully request that your Committee amend this measure to require the PEGs instead of cable operators to report viewership numbers by inserting the following underscored language and making necessary formatting changes to Section 2 of the bill:

§440G-14 Reports.

(A) Each cable operator shall file with the director reports of its financial, technical, and operational condition and its ownership. The reports shall be made in a form and on the time schedule prescribed by the director and shall be kept on file open to the public.

(B) Each access organization providing content for channels designated for public educational and government access use shall file reports of its viewership numbers with the director. The report shall be made in a form and on the time schedule prescribed by the director and shall be kept on file and open to the public.

Thank you for the opportunity to provide testimony on SB 1578 SD1.

SB-1578-SD-1

Submitted on: 3/16/2023 2:32:48 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
john carty	Save Honolua Coalition	Oppose	Written Testimony Only

Comments:

The Save Honolua opposes SB1578.

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name John Carty on behalf of the Save Honolua Coalition and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.



Board of Directors

Nelson Lau
Chair

Tony Baldomero

Melanie Horikami

Dr. Sandy Harjo-Livingston

Yvette Maskrey

William Meyer

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Edward Sun

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Derek Wong

Roger McKeague
President & CEO

FOR: SB1578, SD1
Relating to Cable Television Systems

DATE: March 17, 2023

TIME: 3:30 p.m

COMMITTEE(S): House Committee on Higher Education & Technology

ROOM: Conference Rm. 309

FROM: Roger McKeague, President & CEO

Testimony in **opposition** to S.B. No. 1578, SD1

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

Aloha, my name is Roger McKeague, and I am the President and Chief Executive Officer for 'Olelo Community Media. Mahalo for hearing my testimony regarding SB 1578, SD1. I have served as 'Olelo's CEO for just over two years. I also sit on the board of the Alliance for Community Media, a national membership organization that advocates, promotes, and preserves the right to media training, production, distribution, civic engagement, and education in support of diverse community voices through Public, Educational, and Government Access channels and other forms of media.

'Olelo Community Media (a 501(c)(3) non-profit organization) was established in 1989 as an organization for social justice to steward Public, Education, and Government (PEG) access across O'ahu and the state in cooperation with our sister PEGs. 'Olelo actively and continually promotes and provides hands-on media production training, resources, facilities, and services throughout our community to educate and enable civic engagement through partnerships, volunteering, mentoring, and internships for students, teachers, schools, and our communities. Our long history and thousands of hours of local, educational, public interest, and government programming, provided by hundreds of community and student producers, have enabled our community to share and receive information. It's also helped develop 'Olelo into a widely known and well-established community media access leader, resulting in over thirty (30) years of community engagement and public trust in our core public access training, programming, and resources.

SB 1578, SD1 notes the importance of "enabling connectivity and educational training in digital literacy, media literacy, and workforce

development." I completely agree with this premise and note that, as an access organization, 'Ōlelo is already meeting these objectives daily. We consistently bridge the social divide by providing valuable services like hands-on media production training, media resources, facilities, and services for O'ahu youth. Currently, we're working directly with several schools and looking to increase that number by installing digital media hubs in underserved school districts across O'ahu. We also provide the necessary training for students to utilize those facilities. To be sure, visual media production and training for O'ahu youth and under-resourced communities are at the core of our purpose and mission.

A prime example is 'Ōlelo's annual Youth Xchange (YXC) Student Video Competition. Now entering its 20th year, the program has grown into Hawai'i's largest statewide student video competition that, over the years, has touched countless lives. The YXC, like 'Ōlelo, is rooted in equity and fairness. We have provided digital media outreach programs to the schools and digital media hubs to underserved school districts on 'Oahu for over thirty (30) years. As a result of this education and community-based strategy, 'Ōlelo has annually and consistently engaged over the past five years, approximately:

- 100+ schools statewide
- 200+ teachers, both media and non-media teachers alike, statewide
- 2,000+ students statewide (cumulatively, approximately 7,500 or more students over the past five (5) years)

In addition to our youth and education programs, 'Ōlelo is recognized as a digital media and digital literacy resource hub to the City and County of Honolulu, State of Hawai'i Department of Education, Queen Liliuokalani Trust, Habilitat Hawai'i, Hawai'i Youth Challenge, and Hawai'i Women's Community Correctional Center, to name a few. For these organizations, 'Ōlelo provides workforce development training and mentoring for keiki and kupuna, while teaching them how to create hyper-local stories about the communities in which they live. The skills and insights they learn enable them to engage in media production, provide access and information to the communities where they live, and, in turn, help create leaders and key media resources for their and other communities. 'Ōlelo served as the epitome of "digital equity" long before this term was in vogue or fashion.

Together with our sister PEGs, we ensure access to government hearings, pronouncements, floor sessions, and other important meetings. Our purpose and mission are to increase our community's engagement in government to ensure an informed, educated, and empowered citizenry. Towards that goal, 'Olelo continued to ramp up its government services, activities, and coverage over the past two years to include:

1. 2022 Primary Election - Candidates in Focus (Primary Election)

2. 2022 General Election - Candidates in Focus (General Election)
3. Governor's Inauguration
4. Legislative Hearings - Live from the Legislature
5. State of the State Address
6. State of the Judiciary Address
7. Live from the Hawaii Supreme Court
8. Live from the Intermediate Court of Appeals
9. County Council meetings
10. Boards and Commissions
11. Neighborhood Boards
12. State of the City of Honolulu

We continue to expand access to this valuable content so that more citizens can "attend" and participate in these processes, even when they can't attend in person. 'Ōlelo is working towards expanding across communicative mediums (social media, streaming services, direct messaging, etc.) to provide more effective PEG outreach. While creating opportunities, the increase in modes of communication also presents specialized challenges, such as how certain groups access various mediums, language barriers, etc. 'Ōlelo is actively working to address and capitalize on these opportunities.

'Ōlelo's agreement with the State of Hawai'i is to be a "media resource that promotes community development and lifelong learning; facilitate communication; and increase civic participation in the democratic process." In an evolving environment that is continually fragmented, 'Ōlelo not only plays a vital role in expanding on these initiatives but also in ensuring that communication services continue to be provided to any and all groups that might otherwise be disenfranchised. Our work is vital, keeping our communities informed, connected, and engaged.

We initially supported the first portion of this bill, but now realize this amendment to the law is not necessary. We are able and have been providing cable access in our service area while enabling connectivity. We've also consistently provided educational training in digital literacy, media literacy, and workforce development for years.

In our view, section two of SB 1578, SD1 requiring viewership ratings is flawed because it emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority while evaluating the performance of public, non-profit, non-commercial, narrowcast,

information-based, and participatory media. Unfortunately, in this new version of the bill, these numbers would lack the proper context.

Additionally, public channels already find themselves on a different playing field than all other channels, because the cable operator has refused to broadcast Hawaii's Community Access Television Channels in High Definition.

Although we initially supported SB1578, SD1, for the above reasons, 'Ōlelo now opposes this measure.

'Ōlelo is ready, willing, and able to answer any committee questions.

Thank you for this opportunity to testify.



Charter Communications
Testimony of Rebecca Lieberman

HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

Hawaii State Capitol
Friday, March 17, 2023

COMMENTS ON S.B. 1578, S.D. 1 – RELATING TO CABLE TELEVISION SYSTEMS

Chair Perruso, Vice Chair Kapela and Members of the Committee.

Thank you for the opportunity to provide comments on S.B. 1578, S.D. 1, a bill that would, in Section 2, require that cable operators file viewership numbers for channels designated for public, educational, and government access use (PEG channels) with the director of the Department of Commerce and Consumer Affairs (DCCA).

Charter would be willing to take on the additional reporting requirement to the extent that this information may lead to increased communication and understanding between DCCA, cable operators, and the PEG channel organizations about how best to allocate funds paid by Hawaii residents in the future. It is important that DCCA have access to this data on viewership to consider whether the amounts allocated to PEG programming currently are reasonable to meet community needs and interests, taking into account the cost of meeting those needs and interests.

Charter has several franchise agreements with the State, housed within DCCA's Cable Television Division, in order to operate our cable television network in Hawaii. As part of our franchise agreements, DCCA requires Charter to pay five percent of our gross revenues as

franchise fees. These fees are collected from cable television subscribers. DCCA directs Charter to pay three percent (60% of total franchise fees collected) directly to PEG channel organizations. Assessing whether the programming produced by the organizations receiving this funding is widely viewed is important for DCCA to consider as it evaluates how to allocate the franchise fee going forward. To the extent that PEG channel organizations are using funds paid by cable subscribers to drive programming online, enabling non-cable subscriber audiences who do not pay to support the programming to view it, DCCA may want to evaluate whether or not those efforts should continue to be funded solely by existing cable television subscribers.

Charter is the largest cable television provider in the state and the only provider on Kauai, Maui, Molokai, Lanai, and Hawaii Island. In 2022 alone, Charter extended its network to reach an additional 7,000 homes and small businesses in Hawaii, investing more than \$99 million in the state. Under our Spectrum brand, Charter offers 350+ channels on our all-digital network, including our flagship local channel OC16, and inclusive features like Spectrum Guide Narration for customers with visual disabilities.

Mahalo for the opportunity to testify.

SB-1578-SD-1

Submitted on: 3/16/2023 4:42:58 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dack	Akaku Maui Community Media	Oppose	Written Testimony Only

Comments:

To whom it may concern, I would like to request that your committee defer this incredibly flawed legislation. As a dedicated employee of Maui's sole community access platform, I am thoroughly opposed to this bill.

Thanks very much.

SB-1578-SD-1

Submitted on: 3/15/2023 5:23:28 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosa Barker	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Rosa Barker and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in **Section One** of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to the cable advisory committee for advice.”*

Section Two of SB 1578 requiring viewership ratings is also flawed because it *wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media.* Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life.

Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/15/2023 5:29:11 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Spranger	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Carrie Spranger and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB 1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/15/2023 5:33:12 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Duncan	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislators

This bill would unfairly affect Akaku a vital member of the Maui community. They do so much and this Bill would not let them continue and they would be overwhelmed with more fees. Please do not pass this Bill.

Thank you.

Aloha

Regina Duncan Maui Resident

SB-1578-SD-1

Submitted on: 3/15/2023 6:03:34 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlene K. Rowley	Individual	Oppose	Written Testimony Only

Comments:

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Charlene Kiana Rowley and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”*

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/15/2023 6:35:23 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherri Thal	Individual	Comments	Written Testimony Only

Comments:

Aloha,

I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Mahalo for your time,

Sherri Thal, Kea'au, HI 96749

SB-1578-SD-1

Submitted on: 3/15/2023 5:37:00 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Hailey	Individual	Oppose	Written Testimony Only

Comments:

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Tim Hailey and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Mahalo Nui for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/15/2023 8:04:00 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Sam Small	Individual	Oppose	Remotely Via Zoom

Comments:

I request your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation. Adding additional reporting requirements in Section One of SB1578 can potentially create an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit.

There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non-commercial, narrowcast, information-based, and participatory media.

Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/15/2023 7:56:34 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Fulton	Individual	Oppose	Written Testimony Only

Comments:

DEFER THIS INDEFINITELY! Wakai has had a baseless and personal vendetta against public access in Hawai'i for about 15 years that is unethical for a "representative" at all, but since we are here and he has brought yet another ridiculous bill forward, I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

Dana Fulton,
Concerned Citizen
808-385-2172

SB-1578-SD-1

Submitted on: 3/15/2023 8:20:25 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
David Barry	Individual	Oppose	Written Testimony Only

Comments:

To the distinguished members of the Higher Education and Technology Committee.

I was alarmed to read the contents of SB 1578 which you are considering today as it calls for amending state law governing PEG Access Channels. SB 1578 is an egregious overreach that is seeking to seize control of public access communications that our communities here in Hawaii need. The inclusion of verbiage that will call for cable operators and PEG channels to report viewership numbers is a poorly veiled attempt to say that the Legislature should be able to decide what the public gets to say and view by seeking oversight and potential or eventual control of the funds that PEG channels receive through FCC and Federal mandates. In fact, SB 1578 might even be viewed as an unconstitutional infringement on the fair use of public broadcast and our access to free speech, because what this bill is really trying to do is gain control of the funds used by PEG Access channels, which would allow politicians to decide how PEG funding should be spent, and what channels are worthy of funding, which none of you are qualified to do, nor should be attempting to do. Legislators are not best suited to weigh the meaning of any viewership numbers that are collected, and further the suggestion that the Legislature should use any type of viewership information as a measuring stick of what is valuable shows a complete failure in your understanding of the purpose of PEG Access Channels, which is to effectively level the playing ground in access to creating and viewing media content. PEG Access Channels allow anyone with the desire to create a program the avenue to do it, and an audience to share it with. This is a fundamental core value in free speech and necessary safeguard to ensure a free press, which is obviously protected by the US Constitution. Further than that though, PEG Access programming is absolutely essential for our communities here in Hawaii, particularly on islands not named Oahu, because it allows us to create and view programming that is pertinent to our individual islands and communities, to service the needs of our individual communities on a local level, which is something that the network affiliates located on Oahu simply cannot do. If you need proof of that watch any news program on any of our affiliates, and take note of how little attention is paid to the other islands. PEG Access channels are particularly valuable, effective, and needed here in Hawaii. They are the single best source for local news, local information, and cultural content that is pertinent to each of our islands individually. Your committee's time would be much better spent in efforts to actually serve our community by protecting PEG Access channels and broadening their funding and ability to broadcast the content that our communities need. I urge you to reject SB 1578.

Thank you,

David Barry
2611 Lioholo Pl
Kihei, HI 96753
808-377-6600
dave@makaistudios.com

SB-1578-SD-1

Submitted on: 3/15/2023 8:14:33 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Elisa Plauche	Individual	Oppose	Written Testimony Only

Comments:

This bill creates unnecessary and burdensome requirements

SB-1578-SD-1

Submitted on: 3/15/2023 9:49:00 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Heidi Speedie	Individual	Oppose	Written Testimony Only

Comments:

There is no reason to amend this law. Akaku provides quality local programming that so many people are glad to have despite its inability to compete with big channels' budgets. Wholesome, educational, local television is rare to find still and a big benefit to our community. We want them to survive and provide.

SB-1578-SD-1

Submitted on: 3/15/2023 10:50:24 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Ludwig Laab	Individual	Oppose	Written Testimony Only

Comments:

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

SB-1578-SD-1

Submitted on: 3/16/2023 12:00:41 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Thorne Abbott	Individual	Oppose	Written Testimony Only

Comments:

Please do not support the bill and instead defer the measure.

SB-1578-SD-1

Submitted on: 3/16/2023 12:17:21 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Darla Palmer	Individual	Oppose	Written Testimony Only

Comments:

RE: SB 1578

Aloha Legislators,

My name is Darla Palmer-Ellingson, and I am speaking against Senate Bill 1578. Akakū Maui Community Media is an independent, non-profit organization established in 1992 to promote the creation and distribution of media by, for and about our community. I was hired to conduct the organization's startup, and served as the initial executive director for 5 years.

I think many of us have forgotten why Public Access television was established in the first place- to give community members of all socio-economic levels a powerful venue for community speech, with minimal barriers and without discrimination. Public-access television was born out of disenchantment with the commercial broadcasting system. It is community driven. The programming may reach narrow audiences- supporters of a nonprofit cause, local news, Hawaiian language programming, churches, alternative viewpoints or zany variety shows, but it is a reflection of our neighbors and neighborhoods. By promoting community media, we preserve, develop and enhance the diversity of thought, culture, and heritage of Maui County.

Does it make sense to mandate an operation must enhance digital and media literacy, when this same operation has already been leaders in digital media and training for nearly two decades?

Training is based on skill building to support community producers, community interest and changing media technology. So, I ask you, is the public interest protected when government entities impose any kind of control over what training services are provided? If the government mandates Public Access to provide a certain type of services, will it then start restricting other types of services? This scenario may open the State to a litany of First Amendment challenges.

At the same time, demanding audience numbers totally misses the full scope of Public Access. First, audience numbers for cable television have been in sharp decline for some time. Public Access fills a narrow but important niche in the overall audience composition. Programming is restricted from reaching a wider audience by the cable operator, who refuses to air Public Access programming in HD for no valid reason. Audience numbers do not reflect those that have gained valuable skills to produce and present the programming aired. Skills they will take with them whether they continue to produce programming or not.

Even though training is a large part of Public Access based on community demand and rapidly changing technology, mandating a service- providing education in workforce development- forces Public Access to take on a new role that is outside their mission. Staff is in place to support community producers. If staff is mandated to meet workforce development goals, they potentially give up their role supporting what community producers want to learn and produce. However, State and local governments, economic development boards, nonprofits and individuals have always been free to work collaboratively with Public Access stations on workforce development, or any other content of their choosing. SB 1578 is unneeded- these entities can work within the successful system already in place.

You will notice I have singled out Public Access. However, there are two other branches of access television where the state could work on some of the educational and workforce initiatives stated SB 1578: in Education and Government Access. These channels are dedicated to governmental and educational use, and the state could work through the existing government entities using these resources, while leaving Public Access, and its community driven intent, alone. Again, no reason to do this through legislation when the goals can be met collaboratively with Education and Government Access entities.

There may be a subtext behind SB 1578. I want to call your attention to two things. First, the words "including but not limited to enabling connectivity." Do you know what that means? Will Public Access entities be required to evolve into Internet Service Providers? Also, "Including but not limited to" gives the State far too broad a brush to apply other requirements not specified in this legislation. Second, look at the proposed enactment date of the bill- the year 2050. Why would you be enacting legislation to take effect 27 years from now? The entire cable industry and digital media will be drastically different in that span of time.

Cable entities would love to diminish the importance of Public Access media, and stop paying franchise fees (though the fees are passed along to the subscriber). However, these fees are in exchange for cable entities using public right-of-way's, i.e., roads and telephone poles. As long as there are cable channels, the public's access to a portion of this channel spectrum will always be essential to give the community a voice to speak their individual truths free of gatekeepers and burdensome mandates.

Don't take the community out of Public Access media. Please reject the unnecessary SB 1578.

Respectfully,

Darla Palmer (Ellingson)
Haiku, Maui, Hawaii

SB-1578-SD-1

Submitted on: 3/16/2023 5:22:34 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Julenne Mounts	Individual	Oppose	Written Testimony Only

Comments:

Aloha Representatives Amy A. Perruso and Jeanne Kapela,

My name is Julenne Mounts. I am a longtime resident of Kula, Maui and an active community member. I am in opposition to SB1578. I commend that your committee defer this legislation as it is targeting a small non-profit with limited resources with mandates that are not appropriate to its position in the community. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate.

Section Two of SB 1578 requiring viewership ratings is also inappropriately aimed at Akaku because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue (which is irrelevant to Akaku as they don't have advertisers). The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media.

In a world inundated by media conglomerates who wrongfully exaggerate and sensationalize information for advertising dollars, it is absolutely critical that we do everything in our power to support local journalism that is not driven by ratings and advertising, for without them, we stand to lose our access to the truth, and in this case, the critical, potentially life-saving truths inside the community in which we live.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please help Akaku stay strong, healthy, and accessible in the midst of the financially driven media storms that plague our world. Please defer SB1578.

Thank you,

Julenne Mounts

SB-1578-SD-1

Submitted on: 3/16/2023 2:01:48 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Gordon Kekahuna	Individual	Oppose	Written Testimony Only

Comments:

My name is Gordon Kekahuna and I have been asked by our local television Station here on Maui AKAKU to submit a testimony in opposition to this proposed SB1578 Bill to be voted on by the Stated Legislators. I don't understand stand what the State Government is proposing concerning this bill but I do know this. My church that I am a member of has been given the opportunity to share God's message to the people of Maui County. Our programs are shown on a weekly basis and it's because of our local public Television Station opening the doors and providing the church a time slot to air our programs. Now it's because of our public community Television media AKAKU that we are able to share God's messages. Again this proposed Bill SB1578 if this bill is meant to hurt or penalize our local community media stations AKAKU the people of Lahaina New Life Church of God must stand with our local community Television Station and oppose your proposed SB1578 Bill.

SB-1578-SD-1

Submitted on: 3/16/2023 6:42:27 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr John Char	Individual	Oppose	Written Testimony Only

Comments:



SB-1578-SD-1

Submitted on: 3/16/2023 5:46:34 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon L. Kanekoa	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1578. I believe it to be an unnecessary and additional HOLD on a public access entity that limits our democracy!

Thank You.

SB-1578-SD-1

Submitted on: 3/16/2023 7:12:09 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandra Rivas	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Sandra Rivas, and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578. Stop catering to big business and focus on stewardship.

Thank you for the opportunity to testify today via written testimony.

Sandra G Rivas

SB-1578-SD-1

Submitted on: 3/16/2023 7:41:17 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Vhonnallyza	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Vhonnallyza Godoy and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

SB-1578-SD-1

Submitted on: 3/16/2023 9:29:43 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Lance Holter	Individual	Oppose	Written Testimony Only

Comments:

Subject: SB1578 in OPPOSITION

STATE OF HAWAII HOUSE OF REPRESENTATIVES
COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

Rep. Amy A. Perruso, Chair
Rep. Jeanne Kapela, Vice Chair

Date: Friday, March 17, 2023
Time: 3:35 p.m.
Place: State Capitol Conference Room 309

RE: Testimony by in STRONG OPPOSITION to SB 1578 Relating to Cable Television Systems

Unlike the faraway, faceless, algorithms of Facebook, Instagram, Tik Tok and Twitter, Akaku is not beholden to corporate interests, selling your data for profit, or blurring the border between truth and lies. If we want to stay connected across out three Maui County islands, Akaku Maui Community Media is how we do it. Akaku offers the only daily television news specific to Maui County and has been the showcase for the mo'olelo and mana'o of Maui Nui since 1992.

The last thing we need is the state opening up the statute 440G to insert redundant and unnecessary "make work" reporting requirements for a highly functional, already underfunded and understaffed non-profit. This bill creates an undue administrative and financial burden and forces commercial TV viewership metrics that do not apply to public, non-commercial, non-profit media outlets that "narrowcast" things like informational meetings that are important but not always entertaining. Viewpoints from diverse sources are not always "popular" either. but the impact is often significant. They allow citizens to engage in civic discourse, put people in contact with each other, disperse information found nowhere else, and affect people's lives in meaningful ways.

Every day the folks at Akaku are out helping people communicate with each other. They already provide digital and media training without mandates. Many Akaku graduates of training programs have gone on to careers in video production and even feature filmmaking, so they already do workforce development too. As far as broadband connectivity is concerned Akaku has been at the forefront of that effort as well. It was one of only six media centers nationwide to be awarded a Broadband Technology Opportunities Program Grant by the federal government way back in 2011. In terms of innovation, they are way ahead of DCCA and the state and there is no need to put a laundry list of busy work mandates into a bill.

Finally, consider the source. The introducer of this senate bill, which has no companion bill in the House is no friend of Public Access TV. He introduced another bill this session (SB 1579) that purported illegally to seize all PEG Access revenue and put it in into the state's general fund. He also has a long record while serving in the House of trying to diminish and weaken public community access television.

Please do the people of Hawaii who rely on Public, Educational and Government Access TV a favor, and kill this bill.

Respectfully submitted,

Lance Holter

SB-1578-SD-1

Submitted on: 3/16/2023 9:44:05 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Dan OBrien	Individual	Oppose	Written Testimony Only

Comments:

I am writing to strongly OPPOSE SB1578, which would place an unreasonable burden on the state's PEG organizations. In addition, the DCCA has previously stated that this bill would burden them beyond their own capacity, and they've gone on record opposing this bill. For these reasons, I want oppose SB1578, and I hope the distinguished lawmakers in the Hawaii State Legislature agree. Thank you.

SB-1578-SD-1

Submitted on: 3/16/2023 9:56:41 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Diliberto	Individual	Oppose	Written Testimony Only

Comments:

This bill is an attack on free speech and specifically aimed at killing PEG's across Hawaii. Stop this now!

SB-1578-SD-1

Submitted on: 3/16/2023 10:24:08 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurent Zahnd	Individual	Comments	Remotely Via Zoom

Comments:

Aloha kakou,

I heard the call from Akaku to ask the legislators to stop handcuffing them.

That rang some alarm bells regarding multiple disturbing facts I observed relating to Akaku in the last couple years.

In regards to these facts, I personally think that public funding for Akaku should be completely withdrawn until this organization falls back in-line.

In my experience, Akaku is politically biased and does NOT represent the Community at large, but a group of political operatives trying to push down biased narratives, without offering a journalistic view of the issues.

The most blatant display of this bias is a 2 story Ukrainian flag display on their building for the last year, a Country we now know, started killing its own Russian minorities since 2014, leading to a rightful Russian response. The one sided visual promoted by Akaku shows its blatant bias and support to arming Nazi groups for mass murdering civilians, and concealing these facts by not doing their journalist duties of presenting our community both sides of the story.

Another blatant disregard of the Community that shows their partisanship and leniency towards spreading dangerous misinformation and divisiveness in the community is that they completely forbid access to their offices to people who didn't take the experimental shots also called vaccines (without it being a lawful requirement), thereby violating HIPAA and constitutional rights, in an effort to only promote a one-sided view of the story and exclude a huge number of concerned citizen, to try to push a deadly narrative, which was, and is now proven fraudulent, and caused irreparable health damage and death(!!!) in our community by purposely hiding the facts and smearing the other side of the story, in opposition of every value that compose the journalistic profession, by openly using purely fascist methodologies.

For these reasons, Akaku should be immediately and fully defunded from taxpayer funds, until its biased political operatives posing as leadership get replaced by actual professional journalists who can provide guarantees about their qualifications and ethics.

At the very least, they SHOULD be handcuffed, as they say, because their actions are borderline criminal, and created tremendous harm and needless deaths(!!!) in our community!

I also want to point out that despite having personally sent multiple requests for a TV community series to be promoted on their program in the last year, they do not respond or simply reply every time that they lost the proposal, or that their directors are not available to respond. From my experience, it is impossible to get passed these biased political gatekeepers to access what is supposed to be OUR community media.

It is one more proof of their bias, as they are politically controlling the nature of the content that can be aired on their so-called "community" channels.

I hope that my testimony can bring some insights about what is really going on at Akaku, and why they need more control and less funding until they get back to their original mission.

Mahalo

Laurent Zahnd

SB-1578-SD-1

Submitted on: 3/16/2023 10:33:52 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Donald Adam James	As a citizen, and also as employe of Akaku Maui Community Media	Oppose	Written Testimony Only

Comments:

I am Donald Adam James, a resident of Maui, Hawaii and the USA. I am an employee of Akaku Maui Community Media, but my testimony today is also deeply rooted in my lifetime love of truth, independent journalism, and the belief that what people hear, from all sources, influences their beliefs and actions, which in turn shapes the society we wind up living in. I imagine you would agree. I have been working most of my life to empower the average citizen to have the access and tools to tell their story. The last 7 years for PEG stations in Hawai'i.

The ways people get their information these days has greatly increased in number and formats. As newspapers and their staff shrink, more and more media sources have a political agenda or commercial interest. We are also at a point where Deep Fakes and AI can further spin the narrative away from the truth.

‘Ōlelo, Akakū, Nā Leo, and Hō’ike have a commitment and a mandate to be non-commercial, independent, and to continue to empower the “little guy”, to be heard. I think you will see a track record from these stations of actual fair and balanced news and community coverage. Citizens are welcomed to express virtually all opinions, and empowered with simple recordings or the tools to make a full TV show. Productions made by the stations themselves always give both sides of a story and never do a, “call to action”, telling people what to do or think or buy. We don’t create headlines like, “You will be shocked when you hear...”. We say, “Here’s what is happening in your community today, and why it may be important to you.”

Please defend the citizens ability to be seen and heard, and defer SB1578.

Thank you,

SB-1578-SD-1

Submitted on: 3/16/2023 10:42:47 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Mele Stokesberry	Individual	Oppose	Written Testimony Only

Comments:

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Mele Stokesberry, I am a resident of Kula, Maui, and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/16/2023 9:59:05 AM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Pitcaithley	Individual	Oppose	Written Testimony Only

Comments:

To: Committee on Higher Education & Technology: Representative Amy A. Perruso, Vice Chair Jeanne Kapela, and committee members

From: Ann Pitcaithley

Testimony in opposition to SB 1578 Relating to Cable Television Systems

My name is Ann Pitcaithley, a long time resident of Wailuku, and an avid supporter of Akaku Maui Community Media. I am opposed to SB 1578 and urge your committee to defer this bill. Akakū Maui Community Media is a nationally recognized leader in community communications innovation. This bill imposes added reporting requirements in Section One of SB1578. Akaku is understaffed and underfunded, and this would place an unnecessary administrative and financial burden on them. In addition, this appears to contradict the current law stating that “*any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to the cable advisory committee for advice.*”

Another section of SB 1578 requires a rating on viewership which applies to a commercial television metric that prioritizes maximum audience size for advertising revenue. This metric should not apply in the evaluation of the performance of a public, non-profit, noncommercial, narrowcast, information based, participatory media. Furthermore, public channels cannot compete with other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition.

I praise Akaku for keeping our local community educated, informed, connected, and engaged in civic life.

Please defer SB1578.

Thank you for allowing me to testify.

Ann Pitcaithley

SB-1578-SD-1

Submitted on: 3/16/2023 12:52:52 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Jody Bowman	Individual	Oppose	Written Testimony Only

Comments:

Please oppose SB1578. Akaku television is highly valued for their informative and educational news programs regarding our community. They do not need more metrics, they need more financial support. Our community needs more programs like Akaku, keeping us informed. Thank you.

SB-1578-SD-1

Submitted on: 3/16/2023 1:07:44 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Arianna Feinberg	Individual	Oppose	Written Testimony Only

Comments:

Please do not hinder our public access to the state and county governments. Support Akaku by differing this measure.

SB-1578-SD-1

Submitted on: 3/16/2023 1:29:11 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Kat Tracy	Individual	Oppose	Written Testimony Only

Comments:

Testimony IN OPPOSITION to SB 1578

Aloha, my name is Kat Tracy and I do not support SB1578.

It is vague and intends to implement mandates and unneeded reporting requirements outside the intended purpose of access designation. I facilitated a 2011 BTOP grant for Akakū and designed broadband curriculum that was used throughout Maui County along with partnership to the broadband mapping initiative, demonstrating that access centers are already doing this work along with all the other elements of training both media & digital literacy and enabling hyperlocal free speech. Additionally, viewer metrics do not measure impact in a community. Also, cable transmission in standard definition is outdated and is anti-competitive, what access centers need is parity in HD to all other broadcast outlets. Mahalo.

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY
For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair
Representative Jeanne Kapela, Vice Chair

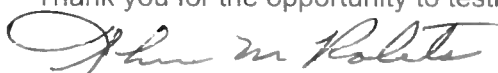
Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Theresa Roberts and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *"any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice."*

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren't even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii's Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.



SB-1578-SD-1

Submitted on: 3/16/2023 1:56:26 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline L Prouty	Individual	Oppose	Written Testimony Only

Comments:

I am against SB 1578, government should not dictate more reporting requirements for public access station. Please defer SB 1578

SB-1578-SD-1

Submitted on: 3/16/2023 1:58:19 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
emily vidal	Individual	Oppose	Written Testimony Only

Comments:

My name is Emily Vidal and as a strong supporter of community media, I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/16/2023 2:09:51 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Meredith	Individual	Oppose	Written Testimony Only

Comments:

How about a bill creating more funding for community access public media in Hawaii. How about a bill to compel equal service provided to community access public media from cable service providers, specifically equity in terms of providing the same high definition signal enjoyed by commercial channels. How about an end to endlessly submitted bills such as SB 1578, which on its face would not stand up in court as it is written, and which if enacted would impose an undue financial burden on our non-profit community stations, limit the diversity of voices, viewpoints, and free speech. How about enough already.

SB-1578-SD-1

Submitted on: 3/16/2023 2:21:56 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
John James Lester	Individual	Oppose	Written Testimony Only

Comments:

Aloha chair and members,

Akaku and other peg systems in the state are vital links for our local communities to express themselves, pass information back and forth, and their full funding as we have it now is absolutely important.

We live in a canoe district the only one in the state and this is one of the few local community providers that allows us to stay connected. Please ensure that the funding is kept for a kaku and do not let it be taken away. We have fought over the years to keep our access open and have built one of the finest outlets in the state. I am vehemently against taking the funds away. Thank you for your time.

SB-1578-SD-1

Submitted on: 3/16/2023 2:25:25 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Stillwell	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Patricia Stillwell and I request that your committee defer this deeply flawed and unnecessary legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to the cable advisory committee for advice.”*

Section 2 of the bill requires a commercial television metric that only values maximum audience size for advertising revenue; not relevant to a public, non-profit, non-commercial, narrowcast, information based, media company. What is needed is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Respectfully submitted, Patricia Stillwell, Kihei, Maui

SB-1578-SD-1

Submitted on: 3/16/2023 2:36:37 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
robin knox	Individual	Oppose	Written Testimony Only

Comments:

Please defer this unnecessary legislation

SB-1578-SD-1

Submitted on: 3/16/2023 2:15:01 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Danny Weiss	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Daniel Weiss and I would like to request that your committee defer this unnecessary and worrisome legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate.

This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”*

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū and all other public access stations on each island in this great state do not need more metrics. What they need is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

Mahalo nui,

Daniel Weiss

SB-1578-SD-1

Submitted on: 3/16/2023 2:37:54 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Sagario	Individual	Oppose	Written Testimony Only

Comments:

My name is Patricia Sagario and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB 1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

SB-1578-SD-1

Submitted on: 3/16/2023 2:41:28 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Rainelle Lushina	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Rainelle Lushina and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”*

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren't even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii's

Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

Aloha,

Rainelle Lushina

SB-1578-SD-1

Submitted on: 3/16/2023 2:42:19 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara Gilligan	Individual	Oppose	Written Testimony Only

Comments:

My name is Sara Gilligan and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB 1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/16/2023 2:56:28 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Vicki R. Belluomini	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Vicki Belluomini and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”*

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY
For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair
Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Randall Braa and I would like to request that your committee **defer** this deeply legislation. Akakū Maui Community Media is a vital resource for residents of Maui County and a nationally recognized leader in community communications innovation. Adding additional reporting requirements as specified in Section One of SB1578 will create an unnecessary administrative and financial burden on a non-profit that is already understaffed and underfunded. What is the reasoning behind amending the existing law? The law already contains provisions allowing the Director of DCCA to add requirements when and if deemed appropriate.

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non-commercial, information based, participatory media. Additionally, with one exception, all channels carried by Spectrum are provided in High-Definition format. That one exception, of course, is Community Access Television. Out of the gate, the PEG channels are at a competitive disadvantage with the rest of Spectrum's content. In a world inundated with an infinite glut of content platforms, singling out the PEG channels is hardly a fair comparison.

Akakū does not need more metrics. What Akakū does need is more support in keeping our communities and local audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to provide this testimony.

SB-1578-SD-1

Submitted on: 3/16/2023 2:50:07 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Sylvia Cenzano	Individual	Oppose	Written Testimony Only

Comments:

My name is Sylvia Cenzano and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB 1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that *“any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”*

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Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

From: Prof (Emeritus) Dick Mayer March 16, 2023
To: House Higher Education and Technology Committee
RE: SB1578 Cable PEG Stations

I am in strong opposition to Senate Bill 1578 dealing with new impediments to the operation of Hawaii Hawaii's PEG cable channels.

Hawaii's television channels are centered in Honolulu, and they usually underserve the needs of the neighbor islands. However, Maui's Akaku channels provide an extremely useful purpose for our residents and our many communities spread over 3 islands.

As our legislators know our islands are composed of both rural and urban areas, multiple ethnic and cultural groups, young, elderly, disabled, and numerous other constituents that need to be served and informed.

As SB1578 is written, it would place a burden on the PEG channels, including Akaku, to measure their audience size. It would not be accurate to measure the size of the viewing audience at any one time since many of the programs are focused on the special needs of those various resident groups. This proposed legislation SB1578 would force the PEG stations to calculate their audience size, a calculation that would be very difficult to make since many in the Akaku audience are elderly or members of a specific ethnic group who may be unable to indicate that they are watching and getting valuable information that is unavailable from any other source.

Furthermore, it is not fair to compare the PEG channels to all of the commercial channels since in Maui County Spectrum discriminates against our PEG channels by not allowing them to broadcast in high definition, even though Akaku is fully capable of doing so.

Our County Council and a number of Maui County's boards and commissions utilized Akaku to inform residents about the activities of our county government. In fact, during the past three years during the COVID pandemic, Akaku was the only means by which our residents and communities were able to access their government by listening to meetings and by providing public testimony.

Please do not place further burdens on the management of Akaku or any of the PEG operations. Please remove all provisions of HB1578 that require the measurement of an audience **and substitute a requirement that Spectrum allow Akaku to broadcast in high-definition and to have the channel numbers placed among all of the other high-definition news outlets.**

SB-1578-SD-1

Submitted on: 3/16/2023 3:20:54 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Nani Lei Busby	Individual	Oppose	Written Testimony Only

Comments:

COMMITTEE ON HIGHER TECHNOLOGY & TECHNOLOGY

For Hearing on Friday March 17, 2023 at 3:35 p.m.

Representative Amy A. Perruso, Chair

Representative Jeanne Kapela, Vice Chair

Testimony IN OPPOSITION to SB 1578 RELATING TO CABLE TELEVISION SYSTEMS

My name is Nani Lei Busby and I would like to request that your committee defer this deeply flawed legislation. Akakū Maui Community Media is a nationally recognized leader in community communications innovation, and adding additional reporting requirements in Section One of SB1578 has the potential of creating an unnecessary administrative and financial burden on an already understaffed and underfunded non-profit. There is no compelling reason to amend the law because current law already allows the Director of DCCA to add requirements when and if deemed appropriate. This bill may even be in conflict with current law that clearly states that “any decision designating, modifying, or rescinding a designation of an access organization, or the requirements therefor shall first be submitted to to the cable advisory committee for advice.”

Section Two of SB 1578 requiring viewership ratings is also flawed because it wrongfully emphasizes a commercial television metric that only values maximum audience size for advertising revenue. The fact is that this metric should have the lowest priority in evaluating the performance of a public, non-profit, non commercial, narrowcast, information based, participatory media. Furthermore, public channels aren’t even on the same playing field as all other channels on the system because the cable operator has refused to broadcast Hawaii’s Community Access Television Channels in High Definition. Forced by Spectrum to broadcast only in standard definition keeps Akakū at a competitive disadvantage in terms of signal quality as compared with every other channel on the system. And in a world inundated with an infinite glut of content platforms, singling out the PEG channels for scrutiny is hardly a fair comparison.

Akakū does not need more metrics. What it needs is more support in keeping our communities and hyperlocal audiences on three islands informed, connected, and engaged in civic life. Please defer SB1578.

Thank you for the opportunity to testify today.

SB-1578-SD-1

Submitted on: 3/16/2023 3:47:58 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Individual	Oppose	Written Testimony Only

Comments:

Please leave public access alone. They're doing a fine job, there's no need to fix something that isn't broken. Just leave it free and open, There's no need for regulations here.

HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

Rep. Amy A. Perruso, Chair

Rep. Jeanne Kapela, Vice Chair

Hearing DATE: Friday, March 17, 2023

TIME: 3:35 pm

**Re: [SB 1578, SD1](#) RELATING TO CABLE TELEVISION
SYSTEMS.**

Aloha Chair Perruso and Committee Members.

My name is Linda Dorset, a resident of Wailuku, Maui, and former employee of Akaku, Maui Community Television. I thank you for the opportunity to submit written testimony regarding the above referenced legislation. I strongly oppose SB1578.

More well respected opinions than mine have already come forward to protest that this measure is not only unnecessary but also blatantly restrictive for Public Access Channels and free speech.

So I will just say I concur and ask you to KILL THIS BILL.

Linda Dorset

Wailuku Resident

SB-1578-SD-1

Submitted on: 3/16/2023 4:36:35 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Noel Ching-Johnson	Individual	Oppose	Written Testimony Only

Comments:

I AM ABSOLUTELY OPPOSED TO THIS BILL. I AM ALSO VERY INTERESTED TO KNOW WHY IT IS THAT EVERY YEAR GLEN WAKAI SUBMITS OR BACKS BILLS TO SHOOT DOWN OR CAUSE UNNECESSARY HARDSHIPS ON AKAKU: MAUI COMMUNITY MEDIA. IT IS OBVIOUS HE HAS ULTERIOR MOTIVES, AND I RECOMMEND SOMEONE ASK HIM ON THE FLOOR EXACTLY WHAT HIS PROBLEM IS WITH A NEIGHBOR ISLAND PEG STATION, THAT HAS WON NATIONAL RECOGNITION? AKAKU IS A VERY WELL LIKED, AND IMPORTANT BEACON OF FREE SPEECH. OUR NON PROFIT PEG STATION SHOULD BE LEFT ALONE. OPPOSED.

SB-1578-SD-1

Submitted on: 3/16/2023 6:30:58 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Levinsky	Individual	Oppose	Written Testimony Only

Comments:

I'm against SB 1578. I have supported AKAKU many times in the past, including when mark rectenwald tried to limit public cable on maui. This bill will impose financial and administrative burden. Don't allow cable companies to use us viewers to maximize their advertising revenues. If it's broke don't change it. This bill will restrict public access. WHY does the cable operator STILL refuse to broadcast AKAKU in HDTV??? As it does for all other channels. Please defer this unnecessary legislation. MAHALO

SB-1578-SD-1

Submitted on: 3/16/2023 7:26:41 PM

Testimony for HET on 3/17/2023 3:35:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapua Segool	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1578, specifically with the proposed Section 1. Section 440G-8.3, Hawaii Revised Statutes, by amending subsections (f)(1) and (f)(2).

Will the responsibility to create the metrics on which to base an access provider's ability to meet subsections (f)(1) and (f)(2) fall directly and solely on the DCCA? This is not only unfair to the DCCA but cannot be reasonably demonstrated by an access organization.

The above proposed amended subsections are too broad.

Furthermore, the proposed amended SECTION 2. Section 440G-14, Hawaii Revised Statutes to *"Each cable operator shall file with the director reports of its financial, technical, and operational condition, including viewership numbers, and its ownership; provided that viewership numbers shall be reported only for channels designated for public, educational, and government access use. The reports shall be made in a form and on the time schedule prescribed by the director and shall be kept on file open to the public."* alludes to viewership numbers being the primary goal of access providers.

Access providers are not commercial television where viewership numbers determine the price of advertising, etc.

The scope of services provided can more importantly be measured by the number of people/organizations trained to use the facilities and services offered, outreach to the underserved, local programming hours, along with so much more. Basing performance on viewership numbers is not a fair measurement of any access organization's value to its community and county.

Mahalo for the opportunity to submit testimony.

March 17, 2023

**TESTIMONY TO THE
HOUSE COMMITTEE ON
HIGHER EDUCATION AND TECHNOLOGY
IN OPPOSITION TO SB 1578 SD 1**

For Hearing on March 17, 2023
3:35 p.m. Conference Room 309

BY

KU`UIPO ROSSITER

Senate Bill No. 1578 SD 1
Relating to Cable Television Systems

TO CHAIR PERRUSO, VICE CHAIR KAPELA AND MEMBERS OF THE COMMITTEE

Mahalo for the opportunity to submit testimony on SB1578 SD1. My name is Ku`uipo Rossiter. I work at 'Ōlelo Community Media, however, I am submitting this testimony on my own behalf as a community member and cable subscriber.

'Ōlelo Community Media has been an outlet for the community's voice since 1989. Many of those voices would not have had the opportunity to speak without the benefit of 'Ōlelo's training, services, equipment, and channels. Some may assess 'Ōlelo's value through a corporate lens, seeking to use commercial metrics when determining worth. For years, 'Ōlelo and the neighbor island PEGs have had the privilege of training and then sharing via their channels the unique perspectives of our neighbors, families, students, churches, non-profits, grass roots organizations and so much more that in the end what 'Ōlelo really is, at its core, is a collection of locally sourced mana`o that keeps our community informed, connected and engaged.

Since its inception, 'Ōlelo's channels have been a beacon of non-commercial free speech, empowering speakers for more than 30 years. 'Ōlelo's founders created a space for programming by, for, and about O`ahu because it enriches our community. If assessed by the metrics of commercial interests, like "viewership numbers" those voices, because they don't have the advertising dollars to promote to large audiences, would likely not have "marketable" viewership numbers. In Community Access, the kind of market we speak of is the marketplace of ideas...a place to speak and to be heard. Just since the beginning of the year, 'Ōlelo's channels have had programs originating from all over O`ahu, spoken in Hawaiian, Samoan, Tongan, Okinawan, Vietnamese, Hispanic, Chinese, Korean to name but a few, about every issue or subject you could care to name. 'Ōlelo's community producers create programs on their own time to bring awareness to issues, to perpetuate their culture and their language, not for commercial reasons. Requesting viewership numbers for this kind of unique community centered programming is inadequate and can't begin to measure the true worth of the collective voices featured on 'Ōlelo's channels.

The Senate's committee report on this measure says the purpose and intent of requiring viewership numbers is to "help inform future policy making." Imposing the use of viewership numbers, especially separate from other channels, is fundamentally unsound because applying that commercial metric ignores the purpose of 'Ōlelo's channels, which is to create an inclusive participatory media environment with programs by, for, and about O`ahu. Using viewership numbers for PEG Channels would be as inadequate as measuring the First Amendment by the number of words it contains.

Please defer this bill. Thank you for your consideration.