

NEIL ABERCROMBIE GOVERNOR

SHAN S. TSUTSUI

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

KEALI'I S. LOPEZ DIRECTOR

JO ANN M. UCHIDA TAKEUCHI DEPUTY DIRECTOR

September 15, 2014

Mr. Gregg Fujimoto President Oceanic Time Warner Cable LLC 200 Akamainui Street Mililani, HI 96789-3999

Dear Mr. Fujimoto:

Re: Letter Order – Technical Quality of PEG Access Channels in Kauai and East and West Hawai'i Cable Franchises

Pursuant to Decisions and Orders ("D&O") Nos. 261 and 291, Oceanic Time Warner Cable LLC ("OTWC") designates and makes available to the Director ("Director") of the Department of Commerce and Consumer Affairs ("DCCA"), or the Director's designee(s), Channels for Public, Educational, or Governmental ("PEG") access ("PEG Access Channels") in its Kauai and Hawai`i Island cable franchise. Hō`ike Kauai Community Television ("Hō`ike") is currently the PEG Access organization on Kauai, and Nā Leo `O Hawai`i ("Nā Leo") is the PEG Access organization on Hawai`i Island.

In OTWC's Oahu franchise, D&O 346, OTWC agreed to a provision requiring it to maintain the technical quality of the PEG Access Channels on Oahu, to the extent within its control, to be at least equivalent to the technical and picture quality of the local broadcast television stations that are affiliates of major national broadcast networks. <u>See</u>, Section IV.G.1 of D&O No. 346.

By Letter Order dated August 1, 2014, the Director also adopted the standard in D&O No. 346 regarding the technical quality of PEG Access Channels for OTWC's Maui County and Lahaina cable franchises. In order to ensure consistency with the PEG Access Channels in all of OTWC's Hawai`i cable franchises, the Director further adopts the standard in D&O No. 346 for OTWC's East and West Hawai`i and Kauai cable franchises. OTWC is also required to operate under the same technical process in all of

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Channels' video signal in the same manner as the local network affiliates in the Oahu franchise.

DCCA further recognizes that to preserve viewership of the PEG Access Channels for analog cable television viewers, the current analog and digital standard definition cable Channels are maintained at this time. When OTWC transitions to an alldigital format, or upon the cable operator's written request, DCCA intends to re-evaluate the channel configuration, including HD PEG Access Channels, and discuss PEG Channel format with the cable operator.

Based on the foregoing and pursuant to the authority in D&O Nos. 261 and 291, as amended, the Director orders that

- The technical quality of the PEG Access Channels in OTWC's East and West Hawai'i and Kauai franchises, to the extent within OTWC's control, shall be at least equivalent to the technical and picture quality of the local broadcast television stations on Oahu that are affiliates of major national broadcast networks and satisfy the requirements contained in applicable provisions of the Hawai'i Administrative Rules.
- 2. Subject to Federal Communication Commission regulations, OTWC's East and West Hawai'i and Kauai cable systems shall be constructed and operated so that, to the extent within OTWC's control, there is no significant deterioration in the quality of the PEG Access Channel signals resulting from the transportation of the video signal, either upstream or downstream, as compared with any other Channel on the cable system. Deterioration refers to any signal problem, including but not limited to ghost images, other interference, distortions, and delays.

If you have any questions on the above, please do not hesitate to contact Catherine Awakuni, Cable Television Administrator. Thank you for your assistance and cooperation in this matter.

Sincerely,

KEALI`I S. LOPEZ Director

c: Brian Kang, Esq. J Robertson, Hō`ike Donna Dunham, Nā Leo