



DrLeisure 1@aol.com  
11/15/2013 03:47 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Akaku Support Testimony

Testimony in support of Akaku and the cable company understanding.

I concur with the points taken in the material presented by Akaku.

I just want to add that from personal experience I have found that exposure on Akaku is more important than being on YouTube.

I have been dealing with Pacific Island Fishery Science Center, NOAA and their treatment of the Monk Seal.

NOAA employees tried to block the publication of some of their material posted by me on Akaku. What they were really trying to block was the voices of Hawaiians.

Working with Akaku and the affected Hawaiians the information contained in the statements of the Hawaiians was broadcast.

The actions of the NOAA employees involved was acknowledged as inappropriate with profuse apologies to the Hawaiians.

Some work by NOAA was redone in an effort to correct the misinformation coming out at public meetings.

Much needs to be done in educating the public regarding the Monk Seal Scam being conducted by individuals associated with NOAA. Akaku has proven to be the most effective vehicle for getting the information out.

Thank you for an opportunity to get this information into the record.

George R. Harker  
PO Box 1137  
Kihei, HI 96753-1137

808-298-5399

DrLeisure.com  
DrLeisure1@aol.com



rick hanson  
<rick\_hanson\_productions@h  
otmail.com>

11/15/2013 02:10 PM

To "cabletv@dcca.hawaii.gov" <cabletv@dcca.hawaii.gov>

cc

bcc

Subject My Testimony RE: Oceanic Time Warner Cable Television  
Franchise Renewal

**Aloha,**

*Rick*

Rick Hanson

[rick\\_hanson\\_productions@hotmail.com](mailto:rick_hanson_productions@hotmail.com)

**"A GOOD SONG DOESN'T CARE WHO SINGS IT"**

[www.myspace.com/rick\\_hanson\\_productions](http://www.myspace.com/rick_hanson_productions)  
[www.greetingcarduniverse.com/DesigningDreams](http://www.greetingcarduniverse.com/DesigningDreams)  
[www.myspace.com/rickhansonmusic](http://www.myspace.com/rickhansonmusic)



Oceanic Time Warner Franchise renewal testimony letter (2013 comments draft).docx

November 15, 2013

Please consider my comments in regard to the Oceanic Time Warner Cable franchise renewal proceeding now underway in Maui County. Maui County is unique from the rest of the state. We are a county with four islands separated by water and we have many underserved rural areas, many with significant native Hawaiian population.

As Cable technology evolves from the delivery of entertainment and broadcast television channels to a system that provides voice, internet and a variety of new services via broadband, it is important that the state take an active role in preserving and protecting the public "electronic commons" currently operating as Public, Education and Government (PEG) Access under the auspices of Akaku. Akaku is Maui County's only television media. We rely on Akaku to help us communicate with one another and it deserves adequate funding and full support.

I recommend that the state require from the cable company in exchange for the use of public rights of way during the franchise term.

1. Cablecast Akaku channel with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Provide funding and capitol support to Akaku with no restrictions on funds for internet and new media use
4. Provide Maui County all public benefits that Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akaku regardless of changes in federal or state law.
6. Free Wi-Fi in public parks, libraries and community centers

I consider the service provided by Akaku to be a vital part of our community communication and freedom of speech which encourages and enhances community understanding and participation. I also believe that the opportunity for video exposure offered by AKAKU to our various Maui communities provides for positive economic impact for Maui County as well.

Thank you for your time and consideration of my comments.

Sincerely,

Richard L. Hanson

P.O. Box 957

Makawao, HI 96768



Christel and John  
Blumer-Buell  
<blubu@hawaii.rr.com>  
11/15/2013 12:24 PM

To catv@dcca.hawaii.gov

cc jay@akaku.org

bcc

Subject 5pam:Oceanic Time Warner Franchise Renewal---PLEASE  
CONFIRM RECEIPT

1 attachment



Cable Franchise Renewal, 2013.pdf



Christel and John  
Blumer-Buell  
<blubu@hawaii.rr.com>  
11/15/2013 11:17 AM

To cabletv@dcca.hawaii.gov

cc jay@akaku.org

bcc

Subject Oceanic Time Warner Franchise Renewal-PLEASE  
CONFIRM RECEIPT

1 attachment



Cable Franchise Renewal, 2013.pdf

**CHRISTEL AND JOHN BLUMER-BUELL**

Post Office Box 787, Hana, Hawaii 96713  
Email [blubu@hawaii.rr.com](mailto:blubu@hawaii.rr.com) Telephone 808-248-8972

November 14, 2013

State of Hawaii Department of Commerce and Consumer Affairs (DCCA)  
P.O. BOX 541 Honolulu, HI 96809  
Sent Via Email [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov)

**Subject: Oceanic Time Warner Franchise Renewal.**

Aloha DCCA Representatives,

We live in the remote community of Hana, Maui. We have been cable subscribers since the initial installation and availability of cable television through Camp Cable. Oceanic Time Warner is one of the successors of Camp Cable. We have experienced the entire scope and evolution of services from great to bad.

Internet services were recently added on as a service by Oceanic Time Warner. Initially, the "wave" system. Now, the faster "road runner" system.

Here are a few points of information and ideas for you to consider. With the thought of making it easier for you to digest some of the many franchise issues of franchise renewal, we are offering a "Problems" and "Solutions" approach.

We are long time supporters of Akaku Public Access Television and the PEG components of Public, Education and Government. Akaku has grown significantly in positive ways over the years. There have been some growing pains, "bumps in the road", over that time. Now, it is clear that Akaku is a rapidly maturing organization that is positioned to initiate additional extraordinary activities and good in our community.

**1) PROBLEM: Length of Contract Proposed For Franchise Renewal.**

The proposed twenty year franchise is clearly **NOT** in the best interests of subscribers, the Maui Community and the State of Hawai'i Community. The proposed length will *very predictably* set up controversy and conflict between subscribers, the community and Oceanic Time Warner. **We want peace, continuous meaningful dialog and cooperation working with Oceanic Time Warner to improve the overall situation. NOT CONFLICT.**

**SOLUTION: A Legally Required Oversight Group Consisting of the State of Hawai'i Department of Consumer Affairs, Oceanic Time Warner or Their Successors, Representatives of Akaku and the PEG Components Statewide. The Oversight Group Should be Governed by Rules and Regulations.**

There are many substantial and complex issues that need to be discussed and resolved on a continuous basis. The issues of rapidly evolving technology, evolving local community needs and a rapidly evolving world cannot be overlooked in a fair, informed and meaningful franchise renewal process.

**To award a twenty year franchise agreement will work against cooperative discussion and resolution of the important issues. We suggest a year to year, reviewable and revocable performance based contract of no more than five years.**

## **2) PROBLEM: Service of Hana Customers by Oceanic Time Warner.**

Hana residents and subscribers are patient. We are used to strong wind and rain storms that occasionally disable the entire system. No problem. Oceanic Time Warner has been good at restoring service within a few days.

Historically, there were three years in a row when weather related service outages prevented football fans from watching the "Superbowl"! Frustration, but acceptance. This is Hana.

However, when an individual customer loses cable television and/or internet services they are routinely told to schedule a maintenance call on the next available day. Currently, Oceanic Time Warner offers one day a week when customers in Hana can schedule a service call. **Customers can wait for up to a week to correct or restore service.** Some Hana customers have day to day business and depend on upon the service for their incomes. **Waiting a week for a service call is unacceptable.** This issue needs to be addressed and corrected as part of the franchise renewal process.

To add insult to injury Oceanic Time Warner, routinely, does not credit individual customers for down time. When all the Hana subscribers lose services at the same time, there is an economic impact on the community. An automatic, not arbitrary, credit for customers needs to be a requirement of a new franchise agreement.

Hana is fortunate to have the existing and, hopefully, improving television and internet services.

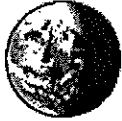
**In contrast, there are other Maui communities that do not have access to television and internet services from Oceanic Time Warner. Communities such as Huelo and Olinda want the basic infrastructure of television and internet services. These issues need to be fully examined and advanced within the proposed "Oversight Committee". And, please don't overlook the needs of the Lana'i and Moloka'i communities**

Thank you for your careful examination of the issues.

Mahalo,

*Christel and John Blumer-Buell, Hana*





suntrops@aol.com  
11/15/2013 10:20 AM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Letter for Dir. Lopez regarding OTW Re-Franchise for Maui County

1 attachment



Letter\_to\_DCCA\_OTW\_Nov\_2013.doc

Director Lopez,

I have attached a letter in regards to OTW re-franchising for Maui County.

Thanks,

Theresa Roberts

Sunset Tropicals  
PO Box 451  
Kula, HI 96790

Aloha Director Lopez,

Akaku means reflection. Akaku is a reflection of Maui Nui, you can turn on any of Akaku's channels at any time, and you will see county government, non profit events, hot topics and/or issues concerning Maui County. In fact, Akaku has Molokai Marathon, which has only Molokai programming on Saturday's for 12 straight hours. Maui County is made up of 4 islands, which is unique, in that the County still has many underserved rural areas. Residents from three of the islands depend on Akaku in getting their message out, since Akaku is Maui County's only television station. I would like the DCCA to consider Akaku's requests in the re-franchising contract with Oceanic Time Warner.

Please have the state require these minimum services from the cable company in exchange for the use of public rights of way during the franchise term, which should be less than the 20 years that Oceanic Time Warner is requesting.

1. Cablecast Akaku channels with the same format and signal quality as local broadcast channels including HD and make them available on multiple tiers.
2. Maintain channel ID numbers and locations as agreed to by Akaku.
3. Increase funding and capital support to Akaku with no restrictions on funds for internet and new media use.
4. Provide Maui County all public benefits Time Warner provides to any other franchise in the nation.
5. Honor contract with DCCA and Akaku regardless of changes in federal or state law.
6. Dedicate 10% of all bandwidth for public use.
7. Provide fast, affordable internet for all.
8. Meet the Governor's goal of symmetrical gigabit internet by 2018.
9. Free WiFi in public parks and designated area.
10. Provide Akaku 25 hours of Video On Demand.

Akaku is doing what it 's mission states,"Empowering the community's voice through access to media". Please, please consider Akaku's requests when granting Oceanic Time Warner the franchise contract, so that Akaku can continue its mission statement, thru new technology.

Aloha,

Theresa Roberts



Rob Male  
<rmmale55@gmail.com>  
11/15/2013 12:54 AM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Testimony to the DCCA

Aloha. The following was written as testimony to be presented at the DCCA hearing of 11/06 2013. Due to time constrictions I was unable to present this testimony in its entirety:

Testimony to the DCCA

November 6,

2013

Aloha and thank you for this opportunity to testify personally and on behalf of the many in our community who are unable to be here this evening.

My name is Robert Malerba and Maui County has been my home for the last 35 years. I have raised three children here, and have worked in the construction industry for decades. I have a solid commitment to and deep investment in the quality of life for Maui County residents and their families. In the time I have been on Maui I have seen a lot of changes made to our aina, to our infrastructure, to our technology, and to our culture. When I first arrived on Maui, I, like most folks here at the time, picked up my TV signal through an antenna on the roof or through rabbit ears on the TV. How many TV antennas do you see today?

Even in the last 20 years so much has changed. 20 years ago I couldn't imagine owning my own computer or even a cell phone, let alone a cell phone that is also a computer (smart phone.) The internet barely existed, and was still in it's infancy. 20 years ago YouTube would be over a decade away; Most people did not email or text. There was no Facebook, HULU, Pandora, Amazon or craigslist. There were no on-line classes, no Netflix, eBay or free on-line tutorials. The way we learn, shop, do business, socialize and entertain ourselves has been changed radically by technological advances that we could not have foreseen.

For better or for worse, technology has changed our lives and our culture more in the last twenty years than in any previous time in history. And technology will change our lives at an ever quickening pace in the next 20 years. And yet Oceanic Time Warner Cable seeks a 20 year contract to provide Maui with technology based services.

A 20 year contract!!!!???

Really?

I find that incredible. We have no idea how technology will change and what impact it will have on our lives and our culture in the next 20 years. We don't know how programming will be distributed, by what technology communications will be driven, and what, if anything, will replace the

internet. We have no idea what systems will emerge to radically change our lives and our culture in the next 20 years, and yet: those with the power to grant Oceanic Time Warner Cable a 20 year contract are actually considering doing just that. I've never heard of any organization granting a 20 year contract for any thing whats-so-ever, let alone issuing a 20 year contract to a company dealing in such rapidly changing technology. It just doesn't make sense. A contract term for even half that amount of time seems absurdly excessive to me. So please show some common sense and make a decision on behalf of the people of Maui and refuse to grant any cotract longer than one year to the cable monopoly. OTWC has failed to meet the needs of the people of Maui and has provided pathetic customer service. Other providers should be brought into the mix, and a lively competitive enviornment should be cultivated

Oceanic Time Warner Cable does for-profit business using publicly owned right of way for their cables and other equipment. Doing business on Maui has been tremendously profitable for them. In order for OTWC to be allowed to do business on Maui, I feel strongly that they should at the very least provide internet service that is equal to or better then the service enjoyed by many developing nations world wide. Based on millions of tests in the last 18 months by Speedtest.net, the US is behind 32 other countries in consumer internet speed, including such countries as Hong Kong, Singapore, South Korea, Romania, Latvia, Lithuania, Macau, Senegal and Moldavia. Hong Kong, for example, enjoys average internet speeds of over three times faster than do Americans\*.

\*Net Index by Ookla - All Countries

Yet as Americans, we pay much more for much less service. And the state of Hawaii, which has slipped to #41, is solidly in the bottom half of states ranked by internet speed. Only ten states have slower average internet speeds\*\*.

\*\*The Average Internet Connection Speed in Every State in America | StateTech Magazine

We need to demand that our cable provider does much better than that for the Maui County community.

Having slow internet speeds is not just an inconveniece. It makes us less competitive in world markets. Students, most notably technology, engineering,

math, and science students, have greater difficulty getting and less acces to the information they need. Slow internet speeds make businesses less profitable and curtails innovation.

OTWC must Make cable TV and more affordable high speed Internet available to EVERY resident and business in Maui County.

As a producer of video content, I've used Oceanic Time Warner Cable to

upload videos to YouTube and Vimeo. It's taken in excess of 14 hrs to load a ten minute HD video to each of those sites. I find this galling and inexcusable. At that rate, I am not too keen to put in that kind of time to share my work with the rest of the world. That severely compromises my ability to monetize my videos, which in turn brings less money to Maui County. It is vitally important that OTWC provides increased its upload speed as well as download speed.

Akaku is the public access facility that is funded by OTWC in exchange for the privilege of using public right of way for its equipment. Akaku provides free community access to production assets to anyone who demonstrates the ability to use the equipment and inexpensive training to anyone who would like to learn how to produce his or her own television show or to simply reach out to the community and share manao. Akaku has offered many programs designed to provide opportunities to Maui youth to learn about and become involved in media production. This not only provides a boost in a teen's self image at a very critical age, but gives that individual a foundation upon which to build a career in television production should he or she so choose. At the very least, exposure to programs such as Project Y-BEAM give young people the tools and training they need to participate in the rapidly changing technological arena.

To continue and to improve the programs that Akaku offers, it needs increased funding and capital support from OTWC with no restrictions on funds. Akaku also needs OTWC to Cablecast Akakū channels in the same format and with the same signal quality as local broadcast channels. All Akaku channels must remain easy to find and not banished to some triple digit channel in cable obscurity. Our community producers work hard to produce programming tailored to the needs of the Maui community. This programming is produced in High Definition so OTWC must dedicate a channel to display Akaku programming in High Definition just as they do for commercial programming.

As technology changes, so does the way we use it. We now commonly view programming on smart phones and other mobile devices. OTWC must help Akaku stay current and support public access television in using all media and technology necessary to get community produced video to and from every screen in our homes and on our persons and support the creation of media jobs for our community.

Because internet access has become such an important and necessary mainstay of life 24/7, OTWC must provide free Wi-Fi in public places such as parks, libraries and community centers. The Maui County community deserves to have it's community produced media played on demand. OTWC must provide Akaku with 100 hours per

month of video on demand.

I can not over state the fact that OTWC pulls a tremendous amount of money out of Maui County. In return it absolutely must provide better, faster and more affordable internet service, not only on par with the best service provided to the rest nation, but it must provide us with service at least as good as the service enjoyed by the average Romanian or South Korean.

Is that really too much to ask?

Thank You and Aloha,

Robert Malerba  
PO Box 880071  
Pukalani, HI  
96788  
(808) 357-4785



Russell Kallstrom  
<rkkallstrom@hotmail.com>  
11/14/2013 10:45 PM

To "catv@dcca.hawaii.gov" <catv@dcca.hawaii.gov>,  
"CableTV@dcca.hawaii.gov" <cabletv@dcca.hawaii.gov>  
cc  
bcc

Subject Testimony on DCCA Contract with Time Warner

I would like the DCCA to develop clear benchmarks for Time Warner Cable for both internet and cable. As a Molokai resident who deals with Time Warner Cable in both a business and residential setting, I'm disappointed by the poor service offered, particularly for uploads speed <1 Mbps. Though I thought my home bill was bad, looking at a pay scale for services, businesses are paying a lot higher rates for mediocre or poor internet service.

My wife has been a school teacher at Kualapuu Elementary for the last 3 years, a school that up till recently was on Time Warner Cable internet. In addition to general use of internet for research, email and basic services, students there have online, state-mandated testing that requires stable internet connections. She and all teachers and faculty dread it because they and the students would frequently get kicked off due to poor bandwidth. The Hawaii State Dept of Education recently abandoned Time Warner and went with Cisco systems as their contracted internet service provider, a move that will probably provide them with greater stability. The average consumer is just not able to do that, but it doesn't have to stay that way.

On cable, television channels are being dropped. The things I value, like Akaku, has been given subpar signal strength by OTWC and little resources for as long as I can remember, despite a staff that is wholly committed to high quality community programming and news relevant to Molokai. As I look at my bill, I find I'm paying more for less. Time Warner apparently improved internet speeds, but people are now paying an additional \$5 fee monthly to rent the cable modem that gets them the service. And even as I look into getting my own modem, I'm looking for one that will still have the light that registers "Cable Out of Service" so that I know when it's no longer up to me since outages happen that often. There is little recourse for consumers in dealing with these issues since there is a monopoly.

A 20 year contract time frame is ludicrous. I don't see the value in that for the people of the state of Hawaii- it is literally a generation's time without opportunity for competition or innovation. Two to five years is more than fair, if that. The contract must contain measurable and numeric deliverables that improve outcomes for the consumer.

Russell Kallstrom  
Kaunakakai, Molokai



Vincent Mina  
<MFUMaui@hawaii.rr.com>  
11/14/2013 08:53 PM

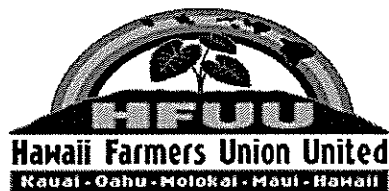
To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Time Warner Renewal

1 attachment



time warner HFUU letter of support for Akaku.doc





To whom it may concern:

November 14, 2013

Vincent Mina  
President  
Maui

The Hawaii Farmers Union United supports of the application for Oceanic Time Warner Cable Company to renew its contract to deliver cable service to Maui Nui for the next twenty years so long as the contract requires the following minimum services as a condition of using Maui's valuable public rights of way:

1. Cable TV and affordable, high speed internet are made available to EVERY resident and business in Maui County.
2. Cablecast Akaku channels with the same format and signal quality as local broadcast channels. Keep them easy to find and repeat them in HD.
3. Increase funding and capital support for Akaku with no restrictions on funds
4. Help Akaku use all media and technology necessary to get video to and from every screen in your home, your backpack or your pocket and create media jobs for our keiki.
5. Free Wi-Fi in public parks, libraries and community centers.
6. Provide Akaku with 25 hours per month of video on demand.
7. Guarantee that Time Warner matches the best public benefits it provides to any other location in the nation.
8. Make Time Warner support for "net neutrality" a condition of franchise

David Case  
Secretary  
Kona

Ray Maki  
Treasurer  
Kauai

Sincerely,  
Vincent Mina President HFUU  
Hawaii Farmers Union United  
[MFUMaui@hawaii.rr.com](mailto:MFUMaui@hawaii.rr.com)  
(808)357-4999

Simon Russell  
Oahu



greggodwin@aol.com  
11/14/2013 08:19 PM

To cabletv@dcca.hawaii.gov  
cc Governor.abercrombie@hawaii.gov  
bcc  
Subject Oceanic TWC Maui application

Dear DCCA etal:

As a tax paying long term senior resident, I'm totally opposed to any such renewal. We have grossly been let down by your agency for decades. I have extensive TV, management, and computer backgrounds. Since Engineer Howard retired on Maui we've lost all decent responsible communication. My extensive efforts to clear problems failed and are basically ignored on all levels that matter especially their obtuse, irresponsible mainland management.

One new Maui lady made attempts, but when tech foremen fail 98% - 99.9% of calls to me they were supposed to make I tire of wasted futile effort. Oahu can't even relay messages to Kahului decently. So why do I even bother? Evidently the overpriced inferior service will continue. It still has interferences or failures too often, primitive poor info software, bad media feeds, Roadrunner snags, etc. I favor science and info, but far too trashed via the Oceanic messes.

Your failure to bring in healthy competitors keeps the rates far too high for those of us on low income. That also allows folks like Direct TV to charge quite high for example [Checked them at Costco effort]. Budget forces me to search more, but unless DCCA wakes up I will revert to rabbit ears and yard farming for entertainment, along with stale printed matter.

Wish I'd made the local hearing so this would have been clearer and more elaborately concise!

Mahalo,

Gregory N Godwin  
520 Kahua Pl  
Paia, Hi 96779  
phone: 579-8082 2018ht

cc: Governor Abercrombie



Chris Baker  
<cb2000a@gmail.com>  
11/14/2013 03:55 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc

Subject Hearings on proposed 20 year contract

I watched some of the testimony today on TV. The problem I have with a 20 year contract is that things are changing so fast now and within 20 years cable tv will be dead. Everything is going internet in the next few years. We have over 1000 channels on our Roku box and they add more all the time. PBS is now broadcast on Roku and many news sources are as well.

A five year contract would be more reasonable with a ten year contract maximum. Who knows...maybe Google will come in and run fiber optic to houses on Maui. To get locked into a twenty year contract with tech changing so fast is not smart.

Aloha,  
Chris Baker  
Kihei



michael duberstein  
<iliwai34@hawaii.rr.com>  
11/14/2013 02:55 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject 5pam:Amended testimony of MJ Duberstein

1 attachment



Statement of MJ Duberstein akaku otw.pdf

## Amended Testimony of MJ Duberstein

This statement is very blunt: Oceanic Time Warner(O-TW) should not be rewarded even a single day extension of its current contract.

My name is MJ Duberstein. I live in Kihei. I have served on the Akaku Board of Directors starting in 2007 and as Akaku's Treasurer the last five years. Doing so has not needed to substantiate Akaku's value or contributions to our county: Akaku remains -- one of the nation's best regarded community access operations. We are blessed by a magnificent staff—both paid and volunteers.

The same, sadly, cannot be said about O-TW; indeed it's almost a miracle that Akaku has been able to overcome the continual hindrances thrown up by O-TW. Channels disappear; payments are both late and shortened by strange accounting schemes. I challenge O-TW to once and for all produce a rational explanation how these public-law derived equations can be explained.

At the same time however, O-TW's "own" channels clearly keep expanding almost to rival the content of the states' PEG-access systems.

Simply put, handing another twenty years over to O-TW is a slap in the face not only to all Hawaii community access systems but to quality programs in every state where Time Warner is both a monopoly and a monopsony—i.e. the only purchaser for like community efforts.

At the absolute minimum, all of Hawai'i's PEG-access systems should be in the room when DCCA negotiates the next statewide contract; at a more reasonable level, the PEGS should actually be at the bargaining table itself.

My training is as an economist. And even the most basic concept is that markets with competition are much more efficient than those of monopoly and monopsony. Completion should be a prime objective.

So, I ask you: Where is Time Warner's completion? That should be your initial question— simply because if you grant another twenty years carte blanche to Time Warner, all the worthy suggestions coming from Akaku and the Maui community have about the prospect of a snowball in Hell—and I myself will be in my mid-Nineties.

Mahalo and malama pono.



Dana Fulton  
<dana@akaku.org>  
11/14/2013 02:19 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject TWC Franchise Renewal-Maui Resident Testimony

1 attachment



Dear DCCA.docx

in text:

Dear DCCA,

Thank you for listening to the people's voices regarding Time Warner Cable's 20-year franchise renewal for Maui County. I testified at the Kahului hearing November 6 and it was wonderful to see you there. First off, I found it disturbing that their lawyer's opening address to the public had nothing to do with the public. He never once stated that they were listening to the people, that they wanted the public feedback, or that they even cared about whom they were serving in any way. Additionally, prior to the hearings, they ran no commercials or advertisements on their channels about the hearings because they not only don't care what the people have to say, they believe that they have a right to be here. Time Warner Cable is not a friend to Maui County. They are a monopoly that takes \$68 million out of our community every single year with little to no give-back. They don't hold fundraisers for charities, they don't raise awareness for issues, and they don't ever address or put effort into community charities and non-profits. All they do is take using our public rights of way to deliver services that they are allowed to charge any amount for. We as the people are begging the DCCA not to grant them a full 20-year contract with little-to accountability. Their application is incomplete and vague, which can only be interpreted as a self-righteous, egotistical and lackluster attempt to please the current bare bones of requirements in order to continue to find ways to burn our community out of resources. Please do not approve of the application simply because they are the only applicant, because "they've been doing it for so long", or at worse that you trust they will do the right thing. They will not. Their customer service reviews prove it, their incomplete and vague application proves it, the community testimony shows it, and their climbing annual profits show it. If you must grant this application, please put a 5-year check-in date on the contract for *each* service, not bundled. This means, they must apply to be our cable provider *and* our internet provider *separately* every 5 years.

Public access television is federally entitled to 5% of the cable provider's annual income/profit. Akakū: Maui Community Television is lucky to see 1% from Time Warner Cable. This is the only non-profit that depends on Time Warner funding, and the one who gives the people a voice at that, is the organization that is lucky to see a fifth of what they deserve. Shouldn't that tell you something about them? Time Warner cannot be left to do the right thing because they will not and they actively fight not to. Akakū is the voice of Maui Nui because their small staff of about a dozen on menial salaries make every effort with their little funding to get the voices of every area in Maui County, that's three islands, on to the public channels. The people here watch Akakū, they love Akakū, and they support the efforts that Akakū makes in the community. Time Warner Cable spends *hundreds of thousands* of dollars each year in lawyers to

find ways to get around laws, forcing the financial burden of persistent and constant legal defense fees on to public access stations across the nation, including Akakū. If Time Warner loves the community they serve, then why ruthlessly go after their public access station year around? If the lawyers aren't enough, Time Warner Cable's plans to get rid of public access stations across the nation once and for all, who are non-profits financially dependent on the cable giant, is to move cable channels online and get rid of cable television altogether so that Time Warner is no longer responsible for public access stations. The move is already seen and can be explored simply by looking for full episodes of some TV shows online; now you must pay for a login with a Time Warner Cable account to be granted access to view episodes from the same channels you were once offered in their television package that you still pay for monthly. Our bills are not going down as the channels are moved to the internet, we are simply forced to pay more to see them online. Akakū public access television must be protected under terms that are not cable or television specific in order to protect the people's voice through the changing times of Time Warner's blatant attempts to rid themselves of all responsibilities. Time Warner is actively locking down access and weaseling out federal law by moving cable channels to the internet and paying dozens of lawyers six figures each to find loopholes, please don't let Akakū get left behind. Financially protect Akaku with terms that relate to the new internet age of television channels. Force Warner Cable to give Akakū what they need to survive and continue what Akaku is doing. This is only one way how Time Warner can give back some of their \$68 million profits back to the community, by supporting our public community channels indefinitely for the extent of time that franchise that they are granted.

Akakū educates the people, gives transparency to the local government for the people, and gives access to the local people. Akakū has to prove their 501c tax status every year, Time Warner doesn't have to prove or uphold anything to anyone; so they give as little as possible and write a pathetic application every 20 years to continue their monopoly as long as possible under as little eyes as possible. Do not let them milk Maui County residents of all their money just for trying to keep up with the rest of the world in technology. Maui should not get left behind because we enlist Time Warner to provide us access to the internet and cable. If there is another option than Time Warner Cable, please consider it. Time Warner in fact does not own any of the cables or lines that they use to deliver services for their high prices; nothing would change if they don't get renewed except that perhaps the people would be better off by giving another company a chance to conduct business the right way here, not the Time Warner way.

If you must renew their franchise, then I first demand a new drafting of their pathetic application with some actual numbers and facts that they can be held accountable for, including clear-cut terms to protect public access funding in the new age of internet channels. Secondly, the people have spoken and it's unanimous that we demand shortening the term to 5-year franchise limits for each service separately with annual check-ups by the DCCA. Thirdly, as part of the terms in the annual contract, force the cable and internet provider(s) to give back x% of their annual profits *and* income, they change this term as well to weasel out of financial responsibilities so include both, back to the community for using the community's public rights of way. It's called the rent or mortgage and we all pay it, why not them? The people have spoken; do not give Time Warner this 20-year contract under the current application terms for any reason. Time Warner Cable is not a friend to Maui County. They rob the community and is looking to destroy pubic access. Protect us by enacting our demands, DCCA it is your kuleana.

Sincerely,

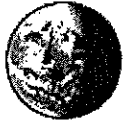
Dana Fulton  
808-385-2172

736 Alulike Street

Kihei, Hawaii 96753

In sending this letter, it took me one complete hour to get onto the internet at my work desk in Kahului.





John Bartlome  
<sleepyjohnb@yahoo.com>

11/14/2013 02:14 PM

Please respond to  
John Bartlome  
<sleepyjohnb@yahoo.com>

To "cabletv@dcca.hawaii.gov" <cabletv@dcca.hawaii.gov>

cc

bcc

Subject renewal

1 attachment

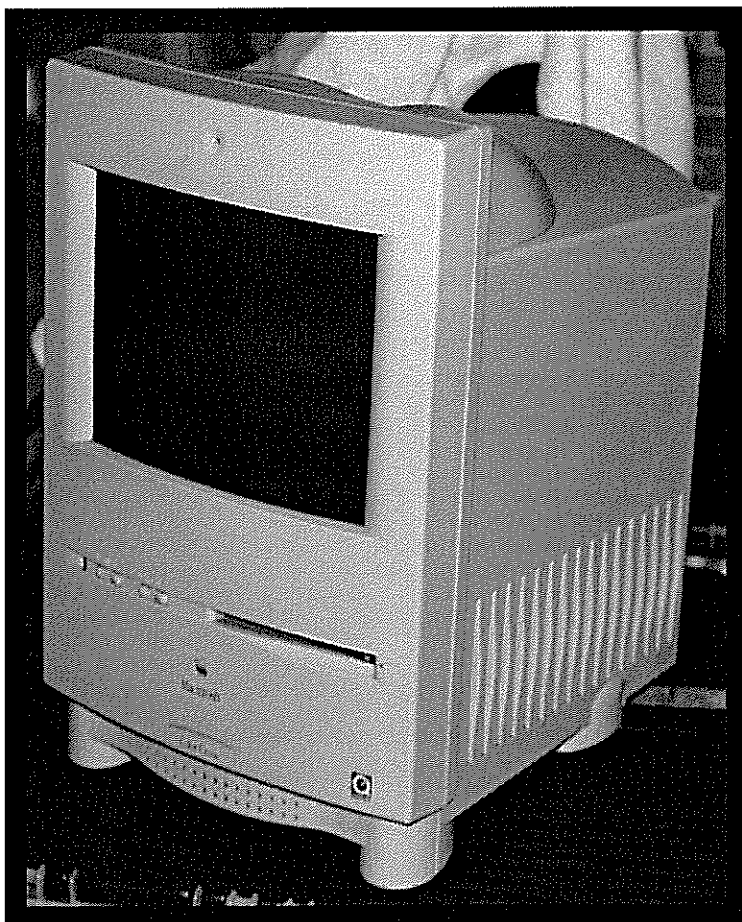


letter1.pdf

I put this together for you, hope it helps.

I bought this computer new 20 years ago. At that time there was no internet, this computer won't go on line. I did have cable then but it was just for TV. I use it to make the point that 20 years is a very long time in the high tech world. It would be foolish to give any company a 20 year monopoly on a service as important as cable.

The renewal time is the only chance that the public has to try and get changes made or new services added. I have worked as a volunteer at AKAKU, Maui's PEG TV facility for over 15 years. All during that time the cable company has degraded our signal before sending it to the public. We have tried everything to get them to upgrade their gear, including offering to pay for the upgrade and they have refused. The renewal process is the only time that the public can put pressure on the cable company to make improvements.



Again I refer you to the computer picture, 20 years ago there was no internet. Now the internet comes to us on the cable.... Who knows what the next 20 years will bring? Right now I am a TV less household, I only subscribe to the cable for the internet. The service I get will only send text and stills(pictures)it is too slow for video. Will I have to wait 20 years to try for a faster hookup? Please, 20 years is way to long!

Yours John Bartlome



John Naylor  
<jdancer@kula.us>  
11/14/2013 01:41 PM

To cabletv@dcca.hawaii.gov  
cc John Naylor <jdancer@kula.us>  
bcc  
Subject Time Warner Contract / Akaku

Aloha DCCA and All Concerned,

Re: Time Warner (TW) Contract renewal and any successors , Net neutrality, best public benefits, Akaku etc..

\* Cable TV and affordable high speed internet must be available to All of Maui County residents.

\* Free Wi-Fi in public parks, libraries and community centers.

Once upon a time, long long ago, it made sense, especially in outer islands of Hawaii, to offer cable companies a long contract because it was new and unproven technology with questionable profitability. Great expense was necessary to develop cable out in the middle of the pacific. And regulation/requirements to hook up areas w/o airwave reception for television in remote areas such as Hana, made a long contract necessary and a no brainer. This is NO longer the case. Maui's resident population has likely tripled since the cable companies first contract and Visitor accommodations in Maui County have at least quadrupled. Cable is Profitable even with all of the future necessary upgrades to their infrastructure. Please also consider that technology is rapidly changing. Competition is incentive to keep up and improve infrastructure. Let's not Limit Maui's potential to have the very Best.

\*Please limit TW to a maximum five (5) year contract .

\*Make support of Net Neutrality a condition of franchise.

\*Guarantee TW matches best public benefits it provides to any other location in the nation.

\* AKAKU is a Treasure!

It provides so much to the residents , businesses, and the Governments State and County. It also offers News casts covering National and world wide issues found no where else in Maui County on television. This is invaluable to all residents in Hawaii.

\* Akaku offers all Maui county residents a voice! Anyone may take classes leading to certification enabling them to make quality amateur to professional video on any and all topics.

\* Free speech exists because of Akaku. Everyone has a voice!

\*TW and any successors must provide Akaku with cablecast channels w/ the same formate and signal quality as local broadcast channels. It must keep them easy to find and repeat them in HD.

\*Increase funding of Akaku with NO restrictions on funds.

\* Provide Akaku with more than 25 hours per month of video on demand.

\*Please do ALL you can to help Akaku use all media and technology necessary to get community video to and from every screen in your home from computers, tablets and phones of every Maui County resident .

\* Do even More to make Akaku the Best little Local Television for the People in the World.

Mahalo,

John Naylor



Baron Sekiya  
<bsekiya@naleo.tv>  
11/14/2013 01:07 PM

To cabletv@dcca.hawaii.gov, Jay April <jay@akaku.org>  
cc  
bcc  
Subject Support of Akaku Maui Community Television's application to provide PEG services

1 attachment



Akaku PEG Designation Support.pdf

Cable Television Division

Department of Commerce and Consumer Affairs

P.O. Box 541

Honolulu, HI 96809

November 14, 2013

Re: Akaku Maui Community Television's application to provide PEG services

Nā Leo ō Hawai'i Community Television fully supports Akaku Maui Community Television's application to continue providing PEG services for Maui County. Nā Leo ō Hawai'i Inc. has served as the PEG television operator for Hawaii County since 1994.

I have personally met Akaku's President/CEO Jay April along with Education Department Head Kat Tracy and their enthusiasm in striving to bring the best tools, training and programs for the residents of Maui County is outstanding. I have seen Ms. Tracy share her knowledge at the Alliance for Community Media conferences to strengthen all PEG access centers. These presentations showcase Maui producers, the island and the state in the best of light with our mainland colleagues.

Akaku has the daunting challenge of being a county made up of islands and I know they have worked hard to use new technologies to make working remotely a priority to serve the residents. I have a friend on Molokai who is a professional filmmaker and he has appreciated being able to drop into the Molokai facility with original, local content to air.

I participate in monthly meetings with the other PEG access center directors and Mr. April along with Suki Halevi, Akaku Director of Development, always provide information to keep us abreast of the latest trends and policies regarding the industry.

Based upon my interactions with Mr. April, his staff, positive comments from others in the industry and friends who are residents in Maui County I am happy to endorse Akaku's application to provide PEG services for Maui County.

Mahalo,

Baron A. Sekiya

General Manager

Nā Leo ʻŌ Hawaiʻi Community Television

--

[bsekiya@naleo.tv](mailto:bsekiya@naleo.tv)

Baron Sekiya

General Manager, Nā Leo ʻŌ Hawaiʻi Community Television

Oceanic Time Warner Cable Channels: 53, 54, 55

91 Mohouli Street

Hilo, Hawaiʻi 96720

Web: [www.naleo.tv](http://www.naleo.tv) Phone: 808-935-8874 Fax: 808-961-3621



# Nā Leo 'O Hawai'i Community Television

**Hilo Facility:** 91 Mohouli Street, Hilo, Hawai'i 96720  
Phone: 808-935-8874 Fax: 808-961-3621 e-mail: info@naleo.tv  
**Kona Facility:** 74-5565 Luhia Street, #C1-A, Kailua-Kona, Hawai'i 96740  
Phone: 808-329-9617 Fax: 808-329-9630 e-mail: info@naleo.tv

Cable Television Division  
Department of Commerce and Consumer Affairs  
P.O. Box 541  
Honolulu, HI 96809

November 14, 2013

Re: Akaku Maui Community Television's application to provide PEG services

Nā Leo 'O Hawai'i Community Television fully supports Akaku Maui Community Television's application to continue providing PEG services for Maui County. Nā Leo 'O Hawai'i Inc. has served as the PEG television operator for Hawaii County since 1994.

I have personally met Akaku's President/CEO Jay April along with Education Department Head Kat Tracy and their enthusiasm in striving to bring the best tools, training and programs for the residents of Maui County is outstanding. I have seen Ms. Tracy share her knowledge at the Alliance for Community Media conferences to strengthen all PEG access centers. These presentations showcase Maui producers, the island and the state in the best of light with our mainland colleagues.

Akaku has the daunting challenge of being a county made up of islands and I know they have worked hard to use new technologies to make working remotely a priority to serve the residents. I have a friend on Molokai who is a professional filmmaker and he has appreciated being able to drop into the Molokai facility with original, local content to air.

I participate in monthly meetings with the other PEG access center directors and Mr. April along with Suki Halevi, Akaku Director of Development, always provide information to keep us abreast of the latest trends and policies regarding the industry.

Based upon my interactions with Mr. April, his staff, positive comments from others in the industry and friends who are residents in Maui County I am happy to endorse Akaku's application to provide PEG services for Maui County.

Mahalo,

Baron A. Sekiya  
General Manager  
Nā Leo 'O Hawai'i Community Television



Michael Murphy  
<techperson@gmail.com>  
11/14/2013 07:35 AM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Oceanic must provide service to as many Maui residents as possible!

I am writing to ask you NOT to approve a 20-year monopoly contract renewal for Oceanic Time Warner Cable. Locations that have competing cable companies get much better service at lower prices. You should invite other major cable companies to construct a system to compete with Oceanic, and only offer a renewal to Oceanic that permits granting a franchise to a willing competitor.

If you do grant Oceanic a monopoly, they should be required to provide service to as many Maui residents as possible. That means service to some thinly-settled areas. It could even be wireless. Specifically, they should be required to provide service to Kealakapu Road. Their cable runs right past this road on the Kula Highway, but they have not run a cable down the road to support the residents there. That kind of behavior is not acceptable.





Dave Thomas  
<dave@maui-tv.com>  
11/14/2013 06:53 AM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Akaku Maui

Aloha,

I have been traveling and have not been able to attend any of the Public Hearings.

I believe that Oceanic Time Warner should be held accountable to actively support Akaku evolve and grow to further support Maui County.

In exchange for being given a renewal of it's Cable TV franchise, I think Oceanic needs to provide expanded internet service to all of Maui. I believe it should provide Maui County all public benefits Time Warner provides in all other parts of the US, and if possible free Wi-Fi in major public areas. Finally, I feel Time Warner should increase it's support of Akaku relating to image quality, broadcast format and funding.

Aloha,

Dave Thomas  
303 Kaiwahine St.  
Kihei, Maui, HI 96753  
(808) 879-1137  
(808) 280-2633 mobile  
[dave@maui-tv.com](mailto:dave@maui-tv.com)  
<http://www.maui-tv.com>



Kat Tracy  
<kattrackshawaii@aol.com>  
11/13/2013 03:29 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject re: Testimony on Time Warner Franchise Application on Maui

1 attachment



DCCA\_LTR\_111413.pdf

Aloha- Enclosed please find my letter.  
K. A.Tracy-Visintainer  
Kat Tracks Hawaii- Video Production Services  
808-572-7158 ph  
808-283-7329 cell

To: DCCA-CATV  
cabletv@dcca.hawaii.gov

From:  
Kristin Tracy-Visintainer  
PO Box 790394 Paia, Hawaii 96779  
[katrackshawaii@aol.com](mailto:katrackshawaii@aol.com)

Nov. 14, 2013

Aloha!

Thank you for taking public input on Time Warner's application for cable franchise in Maui County. Firstly, I would like the DCCA to advocate in favor of the people of Maui County in the application negotiations and hold Time Warner to the flame in getting the best possible deal for Maui. I believe the average citizen is not well informed on their rights in leveraging public rights of way to profit generating users of public rights of way. Too, I believe most people are unawares of the policies and procedures in franchise applications and are not technically educated enough to know what kinds of service expectations to have of a cable provider. This is why I feel it is paramount that the DCCA protect the publics interest in this negotiation.

Terms I hope you'll consider and/or include:

- Time Warner's current application is too vague...it needs specific details and penalties for contractual breeches.
- The term requested is TOO long...no way to 20 years! 5-10 years maximum.
- Technology changes rapidly...3-5 year life span....contract needs to reflect this fact with built in audit points.
- The customer service wait times are too long and cost the subscriber money in having to take 4-6 hours off work to accommodate when a service technician can come deal with a problem in service. There should be a mandate that they hire locally X number technicians per X number subscribers of cable TV internet or phone services. They can pay for those jobs from their profits. The subscriber should be credited money equal to the lost pay in hours taken from work.
- Service interruption credits can not be based on number of service requests made, but on pro-rated amount of hours/days of service interruption.
- Time Warner should have a specified time frame to bring services to ALL areas of Maui.
- Because of lack of competition, Time Warner should be held to a service rate tier based on areas with competition. This tier should include baseline service for low income households.
- Modem's should not be billed as rental gear to subscribers.
- Contract terms should include public access channels for Akaku be broadcast in High Definition- to be viewed in quality equal to all other local channels they provide. Public content should not be lower signal quality to end user, the Standard Definition quality is archaic for today's modern televisions and digital video camera's used to produce the content. Terms should include guarantee that public channels remain on par with quality of other channels through contract term.
- PEG funding should be guaranteed to continue along with collection of another 1% minimum to pass through to Akaku to mitigate the loss of a third of its budget to UH Maui. This additional funding would aid in increasing the organizations capacity.
- There should be no restrictions or caps on capitol funding to Akaku. Technology and tools change, making upgrades mandatory on a consistent basis.

- Because today's video tools allow distribution of content via the internet possible to both the web and cable channels, Time Warner should not be allowed to exempt PEG funding for internet use. The public's voice should be able to be distributed to as many places to be heard as possible. Time Warner uses the same rights of way and the same cable infrastructure to provide internet service for a profit.
- Time Warner should be mandated to provide internet speeds equal to FCC minimums for broadband to ALL areas of Maui, and guarantee stability to speeds at all times of day.
- Time Warner should provide business level broadband speeds to Akaku for free and provide free wi-fi to designated other public places.
- DCCA should guarantee that the Time Warner cable contract for Maui matches the best public benefits it provides anywhere else it does business in the US.

Mahalo nui,

Kristin Tracy-Visintainer



Gene Zarro  
<gene.zarro@gmail.com>  
11/13/2013 01:48 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject testimony re oceanic time warner maui franchise renewal

1 attachment



2013 SMLO AKAKU OTW DCCA.doc.pdf

Please see the attached testimony.

Mahalo

Cheryl Zarro

South Maui Learning Ohana, Inc.  
a 501 c3 educational non profit  
Fed ID # 99-0341232

November 13, 2013

DCCA-CATV  
PO Box 541  
Honolulu, Hi. 96809

RE: OCEANIC TIME WARNER CABLE TELEVISION FRANCHISE RENEWAL

To whom it may concern:

South Maui Learning Ohana, inc. is a non-profit on Maui that supports all educational activities.

To this end our partnership with Akaku, an iconic non-profit on Maui, is highly valued and together we have done and are poised to do more educational activities and programs for the youth of Maui County.

It is time for the DCCA to require a greater contribution of funds from Oceanic Time Warner for Akaku so that they can continue with their great educational programming for the students and community of Maui.

Oceanic Time Warner uses our public rights of way to get their programming out to their subscribers. These rights of way belong to the people of Maui and should generate enough revenue for high quality internet as well as increased funding for Akaku an invaluable resource for our Maui students.

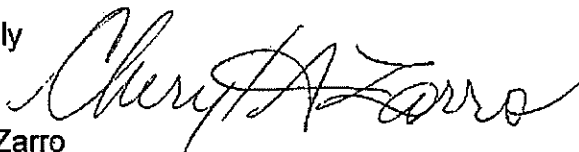
Akaku is more than a Community Television organization. The educational programs at Akaku give the students of Maui County opportunities that they would be unable to avail themselves of if they only had their schools to rely on.

Affordable courses in TV production, community journalism, digital media and others are available for little or no cost to students that are curious or passionate about these career paths.

One example of Akaku outreach is the TV studio that was a three way partnership with South Maui Learning Ohana and Kihei Charter School.

Time Warner needs to pay a higher percentage and the state of Hawaii needs to get the maximum amount of revenue from Time Warner for Akaku.

Sincerely



Cheryl Zarro  
Board member  
South Maui Learning Ohana, inc.



Gene Zarro  
<gene.zarro@gmail.com>  
11/13/2013 01:12 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Testimony re Oceanic Time Warner franchise renewal

1 attachment



2013 OTW franchise Letter to DCCA.docx

Aloha,  
Please see the attached testimony regarding the Oceanic Time Warner franchise renewal for Maui County.  
Aloha  
Gene Zarro

DCCA-CATV  
PO Box 541  
Honolulu, Hi. 96809

November 12, 2013

**RE: OCEANIC TIME WARNER CABLE TELEVISION FRANCHISE RENEWAL**

To whom it may concern:

The infrastructure that exists in Maui County belongs to the citizens of Maui County and to that end the DCCA needs to protect our interests as the DCCA represents the people's interest in the public right of ways that Oceanic Time Warner wishes to use to distribute their product.

For this use of our public right of way there are conditions that Maui County could benefit from if the DCCA would advocate strongly for us.

There needs to be increased funding and capital support for Akaku without any restrictions on the funds.

Cablecast Akaku channels with the same format and signal quality as local broadcast channels and they need to be easy to find and repeated in the HD tiers.

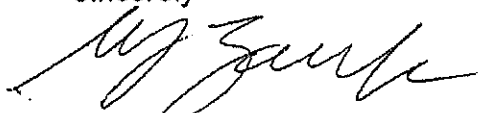
There needs to be free WI-FI in public parks, community centers and libraries.

Maui County needs to get the best possible benefits that Oceanic Time Warner provides to other communities around the country.

The 20 year term of the agreement that Oceanic Time Warner is asking for is way too long. This industry changes overnight. A 10 year term should be adequate with accountability benchmarks set at 5 years.

There are many other issues and concerns. I will leave the details up to our president and CEO, Jay April who deserves a seat at the negotiating table as there is no one from Maui currently on the negotiating team.

Sincerely



Gene Zarro  
Chair, Akaku  
808 385 1197  
genezarro@gmail.com



**Akamai Movies**  
*Tim Wolfe, Producer*  
22 Laupapa Place, Haiku, HI  
96708 808-575-7474  
[wolfeman@haawaii.rr.com](mailto:wolfeman@haawaii.rr.com)

7 November 2013

DCCA-CATV  
PO Box 541  
Honolulu, HI 96809

Dear Sirs.

A scheduling conflict made it impossible for me to attend the public meeting in Kahului last night in support of the activities of Akaku.

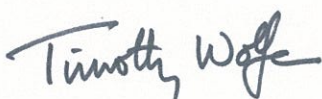
Since the day that Akaku joined the cable line up years ago as manager of the PEG Consortium, I have been submitting programs for cablecast. From monthly news and information shows, to community meetings and events, and plenty public service productions, Akamai Movies has submitted well over 100 shows for Maui audiences. For all producers, Akaku continues to be an essential component of our communications mix in Maui County.

As a board member of the Haiku Community Association, and the media manager for the Maui Farmers Union, I cover many public meetings that reach a large audience through the studio facilities of Akaku. A tremendous benefit to our many members would be for those meetings to be cablecast and webcast live throughout the County via reliable wi-fi connections.

The world around us is becoming totally wired. Not only would the public benefit, but our County economy would also be boosted by making wireless access available to more of our citizens in public facilities like the Haiku Community Center as well as our parks and public libraries.

In the big city, commercial television stations often serve as the training ground for entry into jobs in film and television industry. In Maui County, it is Akaku that serves that role. Increased support from the DCCA can augment the many services that Akaku provides to the benefit of Maui County viewers.

Mahalo,



Tim Wolfe

CABLE DIVISION  
COMMERCE AND  
CONSUMER AFFAIRS  
2013 NOV 13 A 10:40  
A  
E  
P  
S  
FILE



robert albert  
<ralbert@hawaii.edu>

11/13/2013 08:23 AM

Please respond to  
ralbert@hawaii.edu

To catv@dcca.hawaii.gov, cabletv@dcca.hawaii.gov

cc

bcc

Subject Written Testimony

1 attachment



DCCATestimony11613albert.pdf

Aloha DCCA,

Attached, please find a copy of my testimony to be submitted as part of OTW cable franchise renewal request. I presented a part of this testimony during the public hearing held on Nov. 6, 2013 at Maui Waena Intermediate school. My testimony was edited that evening due to a 3 minute time limit. My entire testimony is attached.

If you have any questions regarding this testimony, please feel free to contact me by phone or email.

Robert 'Mike' Albert  
984-3620

Department of Commerce and Consumer Affairs – Cable Television Division  
Community Meeting for Renewal of Oceanic Time Warner Cable's Maui County  
And Lahaina/West Maui Cable Television Franchises  
November 6, 2013  
Maui Waena Intermediate School

Aloha,

My name is Robert Albert and I am currently employed at the University of Hawaii, Maui College (UHMC) as the Media Center Coordinator. I am submitting this testimony as an educator, a Media Coordinator at the University of Hawaii Maui College, and as a private citizen and current subscriber to Oceanic Time Warner Cable (OTW) services.

As a private citizen, I regard the renewal and continuance of the OTW franchise to provide cable television services to Maui County of extreme importance to the residents of Maui (and the State). This exclusive right to provide content into the homes of our local residents is extremely powerful. The renewal of the current franchise will allow OTW to, essentially, re-transmit content provided by corporations such as NBC, CBS, CNN, ABC, PBS and countless others producers and programmers. Unfortunately, the vast majority of this content is non-locally produced. In other words, it comes from beyond our shores, with little or no thought to our residents, our culture, our lifestyle, ideals and dreams for a better tomorrow. The thousands of hours of non-locally originated content thrust into our homes can be a real threat to our distinct, fragile culture in Hawaii. Here is some good news: There is locally produced content, however small, that our residents can turn to. That content is being provided in most part by our local networks in the form of news and, on occasion, special programs such as the excellent Merrie Monarch festival. It is also good news to see that OTW has committed its dollars to producing its own high quality, locally originated content via the OC-16 and OC-12 channels.

As an educator with UHMC and an OTW subscriber, I view the most important resource OTW provides the public is the Public, Education, and Government (PEG) Access network. As such, it is important the DCCA ensure this partnership between OTW, public, community, government and educational access providers through Akaku, Olelo, Na Leo O Hawaii, and Ho'ike continue. It must be nurtured and OTW must wholly commit to the provision of financial resources.

- *Public Access:* DCCA must ensure that OTW provide Akaku (Olelo and Na Leo, etc) adequate resources to allow PEG operations to provide state of the art equipment, training, and channel space to support the voices of our people - captured by the public - who provide local programming with a unique perspective into our culture and our lifestyle. Network television producers would rarely, if ever, develop these unique viewpoints.
- *Government access:* DCCA must ensure continuation of coverage of local government proceedings provided through Akaku facilities and their staff of professionals. In many cases, this coverage offers the only opportunity for our

residents to witness our elected representatives in action. These proceedings provide documented information on the direction our elected officials are leading Maui.

- *Education Access:* Ensure the Department of Education (DOE) continue the opportunity to provide lower education programming to our youth for in-school and at-home education. Ensure The University of Hawaii (an accredited institution) continue to provide Maui County (and the State of Hawaii) Distance Education (DE) students (and all OTW subscribers) with higher education courses via the OTW network.

Currently, UHMC faculty provide our DE students and Maui County residents the opportunity to further their education, through business courses, health education courses, Hawaiian history and language classes, communications, agriculture, culinary programming and more. The majority of DE classroom instruction and programming content is originated from the UHMC campus. In FY 2013, UHMC/Maui College Television (MCTV) provided over 4,800 hours of local originated educational programming. I encourage OTW to continue and expand its support of Akaku, UHMC and the PEG access network. In this way, OTW can become a primary partner in providing Maui residents innovative, informative, 24/7/365, locally produced programming. OTW should take full advantage of this partnership. By marketing and promoting this partnership, OTW would enjoy an additional means to demonstrate its commitment to Hawaii's people. Perhaps by developing enhanced agreements and nurturing partnerships with the PEG network, OTW promos, coverage of OTW sponsored community events, logo's etc. could become a part of OTW's marketing through the PEG access network. It can be win-win.

I request continuance of specific agreements between the DCCA and OTW with additional proposals for consideration, based upon what I consider are minimum standards of service OTW should provide subscribers and residents of Maui County. As such, I recommend that the DCCA ensure the following:

- Ensure that OTW provide adequate, reliable, consistent funding to its community and educational partners (Akaku, Olelo, UHMC, DOE etc). The current percentage of monies from cable subscribers allocated to PEG access operations should be increased. This increase could be directed towards equipment upgrades to allow PEG providers the ability to purchase the latest HD and Ultra HD support equipment. Ultra HD is right around the corner and UHMC would take full advantage of such increased funding to upgrade our DE facilities to provide an enriched and improved technical signal for our DE students.
- Ensure OTW provide PEG providers with a percentage of funds derived from all OTW services, including VoIP and Internet service charges.
- Ensure PEG network operations and support be made a key focus as part OTW's operations as franchise holders. OTW should take full advantage of PEG operations demonstrating their commitment to public service.
- Ensure that OTW provide Akaku and all ancillary PEG providers both HD and SD channels at full bandwidth, comparable to services currently provided to local

network over the air broadcasters, and to its national and international program providers.

- Ensure the DCCA maintain full authority over all OTW into the home services, not limited to cable television operations. This authority must include OTTP Internet services as OTW expands its operations via Wi-Fi, broadband, VoIP and all future forms of communications.
- Ensure that OTW provide video on demand services to Akaku and PEG providers
- Ensure that basic cable TV and Internet access remain affordable for those unable to pay for digital and premium channels. Basic cable should provide full bandwidth HD to its basic cable subscribers as part of its standard package
- Because technology is advancing at such a rapid pace, DCCA should limit the franchise renewal between a minimum/maximum of 6/10 years.

In summary, it is important that OTW continue to support established partnerships that allow UHMC, UH System, and our DOE partners to continue to provide DE to our residents. It is also important OTW support the opportunities for the public to provide local originated programming through AKAKU and our statewide Public Access networks.

I would like to thank the DCCA for this opportunity for allowing me to provide this testimony as part of the OTW franchise renewal application.

Sincerely,

Robert Albert  
Media Coordinator  
808-984-3620  
808-575-2874  
ralbert@hawaii.edu  
albertalbert@hawaiiantel.net



"Carol G. Perry"  
<carol@carolperrylaw.com>  
11/12/2013 08:37 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc

Subject Testimony re Renewal of Oceanic Time Warner Cable's  
Exclusive License

Dear Sir/Madam,

Please accept this testimony in lieu of my public testimony regarding the renewal of Oceanic Time Warner Cable's Maui franchise. (Can you please acknowledge receipt of this message so I know it will be considered.)

I am writing to express my strenuous opposition to the renewal of the Oceanic Time Warner contract on the terms proposed for the following reasons:

1. The OTW phone service is abominable. Just this Monday, I called to schedule a service call because my DVR has stopped functioning, the cable TV reception is unwatchable because of wavy lines, and the internet connection fades in and out. In each of 2 separate calls, after waiting on hold for 30-45 minutes each time, I was cut off. This is simply unacceptable.
2. Their equipment is outdated, recycled and unreliable. Over the past 5 years, I have had to replace my DVR numerous times because it stops working. It's never been replaced with even remotely new equipment. The last replacement has a sticker on the bottom showing that it was manufactured in 2007!
3. Their service scheduling is arrogant and unreliable. They refuse to provide any reasonable window of time when they will arrive. All they will say is that it will be between 9 and 5. Who has the ability to wait around all day for them to show up? And you can't rely on what they tell you the date with be. When I finally got through the other day, they scheduled an appointment for this Wednesday. But, when I called back to check on it, the recording said the meeting was next Monday, 5 days later than what they told me on the phone - and 7 days after the call.

Under NO circumstances should the contract be renewed for 20 years. This is absolutely nonsensical. The maximum extension should be 7 years and it should be subject to specific performance criteria, with penalties for noncompliance. These should include the following:

1. Service appointments should be scheduled within a maximum 2 hour window.
2. Equipment provided initially on subscription, and replacement equipment, should be no more than 3 years old.
3. Telephone waiting times should be no more than 10 minutes, except in extraordinary situations such as bad weather.
4. OTW should be required to upgrade its internet service and speed to customers at NO ADDED COST. The technology has improved and costs reduced to such an extent that there is no excuse for providing the current level of service.
5. OTW should be required to keep customers informed of their many changes in programming by sending an email (to all customers who opt in and respond to an invitation on their bills or online) and include a downloadable program guide every month if changes are made. And at least one time per calendar year, OTW should insert a new program station lineup in customer's bills.
6. OTW should continue to support Akaku.

Finally, there should be an independent office of Consumer Advocate on Maui to monitor their performance, review complaints, impose penalties, and authorize refunds.

Very truly yours,

Carol G. Perry  
Kihei, HI



Tara Grace  
<taragrace808@gmail.com>  
11/12/2013 08:35 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject akaku

I watch akaku everyday , my favorite show on all tv is on at 6 a.m.  
TimeWarner should have a 10 year contract with option to renew after a review of service based upon consumer review/survey.

I find oceanic cable as an internet provider less than exemplary. not consistent and quite frustrating sometimes.

if there was competition I would seriously consider it, because they play so much junk shows and it's one of the reasons why I rely on akaku for my connection to my greater community.

I voice support for most everyone that spoke at the public testimony evening. I watched it from home )) makes me stay with my family .)))

please support akaku in every way possible, they should not be begging after all these years.

Akaku ROCKS ~!~

Mahalo

Tara Grace

--

**Tara Grace**  
**808.870.1006**



Nov. 12 2013

LeahTVdotcom  
P.O BOX 888 MAKAWAO  
Hawaii 96768 USA

Leah Tunkara Community  
Television producer Testimony

To: Oceanic Time Warner Cable

I enjoy producing programs at  
Akaku: Maui Community Television.

# 2 I would like you to cablecast  
Akakū channels with the same format  
and signal quality as local broadcast  
channels.

Thank-you

from: Leah Tunkara

Phone: 808 572 4109.

CABLE DIVISION  
CONFERENCE AND  
COMMUNITY AFFAIRS  
2013 NOV 12 A 10:15  
A P 15  
FILE

Note: Also in agreement with the  
other 6 recommendations.  
See yellow cut out paper.



## THE FUTURE OF CABLE TV IS IN YOUR HANDS TELL TIME WARNER WHAT YOU NEED

Oceanic Time Warner Cable has applied to renew its franchise to deliver cable service to Maui Nui for the next twenty years. The State is holding public hearings to find out if you are happy with your cable service and to hear what your needs are for the future.

Akakū: Maui Community Television recommends the following minimum requirements Oceanic Time Warner should provide in exchange for use of Maui's valuable public rights of way.

1. *Make cable TV and affordable, high speed Internet available to EVERY resident and business in Maui County.*

✓ 2. *Cablecast Akakū channels with the same format and signal quality as local broadcast channels. Keep them easy to find and repeat them in HD.*

3. *Increase funding and capital support for Akakū with no restrictions on funds.*

4. *Help Akakū use all media and technology necessary to get community video to and from every screen in ~~your home, your backpack or your pocket and create media jobs for our koiki.~~*

5. *Free Wi-Fi in public parks, libraries and community centers.*

6. *Provide Akakū with 25 hours per month of video on demand.*

7. *Guarantee that Time Warner matches the best public benefits it provides to any other location in the nation.*



SG Trenholme  
<sgtrenholme@gmail.com>  
11/11/2013 05:00 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Cable Franchise Hearing

Dear Hearing Committee,

We must insist that Time Warner support Akaku channels with the same format and signal quality as local broadcast channels. We also need to increase funding for Akaku and guarantee that Time Warner matches the best deal it gives any other location in the country. Akaku is a nonprofit organization that provides a great service to Maui County residents. We do not want to lose it because of funding issues.

Also, Oceanic Time Warner Cable should not be granted a 20 YEAR Contract. Limit it to FIVE or TEN Years. We must make sure that our cable company is keeping up with technological advances in future years. Therefore, we should not be locked into a 20 YEAR Contract.

Thank you for listening to the community!

Sandra Trenholme  
628 Mapuana Pl  
Wailuku, HI 96793



Debbie Cabebe  
<debbie.cabebe@meoinc.org  
>

11/08/2013 03:10 PM

To catv@dcca.hawaii.gov

cc

bcc

Subject Testimony for AKAKU Public Access TV

## Debbie Cabebe, SPHR

Chief Programs Officer

Maui Economic Opportunity, Inc.  
99 Mahalani St. Wailuku HI 96793

T: 808-249-2990 ext. 342 M: 808-870-1906 E: [debbie.cabebe@meoinc.org](mailto:debbie.cabebe@meoinc.org)

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[facebook.com/MEOINC](https://www.facebook.com/MEOINC)

[twitter.com/MEOINC](https://twitter.com/MEOINC)

*MEO's mission is to strengthen the community while helping people in need restore their hope, reach their potential, and enrich their lives.*

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Akaku Statement.docx

**WRITTEN COMMENTS OF MAUI ECONOMIC OPPORTUNITY, INC.  
BEFORE THE STATE OF HAWAII  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
CABLE TELEVISION ADMINISTRATION  
RE: OCEANIC TIME WARNER CABLE TELEVISION FRANCHISE RENEWAL  
FOR KAHULUI AND LAHAINA FRANCHISES**

**RESPECTFULLY SUBMITTED BY:**

**Debbie Cabebe, SPHR  
Chief Programs Officer**

This is submitted in support of AKAKU Public Television's position on the renewal of the cable television franchise for Maui County.

Akaku is Maui County's only electronic public media resource that regularly serves hundreds of Maui nonprofits, businesses, schools, government agencies, institutions and individuals with a high level of innovation, civic engagement and professionalism. These important characteristics position Maui County as deserving of a comprehensive cable franchise agreement that fits its needs and guarantees a sustainable community media future for all its residents. We also know that the cable television industry is rapidly evolving from a traditional CATV system that delivers mostly broadcast and entertainment services to a hybrid wire line or system that now brings voice, broadband Internet and a host of services to people's homes via Internet protocol. Although this transition challenges current regulatory paradigms, it is important that DCCA contractually protect, preserve and continue to require Oceanic Time Warner to fully fund and support the community "electronic commons" concept for the duration of the next franchise term regardless of the technology.

We ask the DCCA to considering the following while deliberating renewal:

1. **EQUAL RIGHTS FOR COMMUNITY MEDIA**  
Akaku's PEG channels must be carried in the same format and with the same signal quality as all local broadcast commercial channels. This will require guaranteed channel placement on all service tiers with no diminishment of dedicated public electronic spectrum without the consent of Akaku and the DCCA. There should be no cable company restraints on Akaku's use of cable fees to provide content on cable TV, Internet, digital devices or any other media platform currently in use or yet to be invented. Oceanic Time Warner must provide PEG services to Akaku and Maui County that are the same or better than the PEG services it provides to any other jurisdiction for the duration of the franchise.
2. **SUSTAINABLE FUNDING FOR THE FUTURE**  
Akaku will require adequate funding of not less than 5% of franchise fees from cable gross revenue and a reasonable capital contribution from the cable company, with annual increases for the duration of the franchise term. Funding should be contractual for the term of the franchise notwithstanding changes in state or federal legislation.
3. **NO DIGITAL DIVIDE - BROADBAND AND INTERNET SERVICE FOR ALL**  
Oceanic Time Warner must provide fast, affordable, ubiquitous and accessible broadband that will achieve speeds of 1gigabit symmetrical service by 2018 for all Maui County subscribers. To support economic development, Oceanic Time Warner must provide live upstream transmission capability and high-speed broadband service to designated Community Anchor Institutions, public schools, government buildings, hospitals, libraries, community media centers, and non-profit agencies.
4. **INVEST IN THE FUTURE OF COMMUNITY MEDIA, PUBLIC SPECTRUM USE AND BROADBAND INTERNET ON BEHALF OF MAUI COUNTY FOR THE DURATION OF THE FRANCHISE RENEWAL TERM**

According to state law, Oceanic Time Warner Cable is required to provide facilities, equipment, channels and financial support for Public, Educational and Government (PEG) access programming. Akaku recommends that, at minimum, the following public media provisions be provided as a condition of franchise renewal, as rent for the use of Maui County's public rights of way.

- a. PEG channels must be carried in the same format and with the same signal quality as local broadcast commercial channels. Language about technical feasibility must not be used to diminish public access programming by providing services of less than commercial quality.
- b. A minimum of 10% of all electromagnetic spectrum should be set aside for public interest use and use by community anchor institutions, including PEG access organizations, public schools, government, hospitals, libraries, community media centers, community centers and public parks. Applications for public and community use include: public safety, telemedicine, telework, telepresence, emergency alerts, electric grid management, energy management, wireless communication and other applications in the public interest.
- c. No diminishment of existing analog spectrum available to Akaku in the migration from analog to digital. The PEG access transition from analog to digital should not result in reduced bandwidth, reduced accessibility, reduced quality or reduced features during or after transition, relative to any other previously broadcast analog cable and/or IPTV channels.
- d. Akaku must remain on the most accessible tiers available to all subscribers. PEG channels must be duplicated on additional tiers in the manner of local "must carry" channels and must not be involuntarily moved from easy access (analog "basic" tier) to "digital" tiers requiring special equipment or fees. PEG channels must not reach fewer viewers or be difficult to find, load or view. PEG channels must also be available on HD and enhanced TV.
- e. Oceanic Time Warner must provide 25 hours per month of video on demand capability to Akaku for the duration of the franchise with increased capacity to be negotiated during the franchise term.
- f. Oceanic Time Warner must provide 100 promotional spot inventory per month in run of schedule to be programmed by Akaku.
- g. If the franchise agreement with the DCCA is superseded or replaced with federal and/or state broadband regulation and/or state video programming/broadband franchises, equivalent fees or revenue from taxes on broadband revenue will be used to fund local access and programming (formerly PEG access channels), which will be program sources connected to the Internet.
- h. Prevent any reduction in fees due to a change in franchise fee definition or evaluation by Oceanic Time Warner. Raise franchise fees to 5% or any higher amount allowed by law.
- i. Capital contributions to PEG entities which have not increased in a number of years must be increased from the current rate of \$3.00 per subscriber and should include annual negotiated step up contributions of at least 4% per year for each year of the franchise term.
- j. The transition to digital may result in increased expenses for Akaku, including Internet connection and equipment costs, upgrades for high definition and enhanced services, and additional studio, staff and operating costs. The franchise agreement must include the ability to assess additional funds for these purposes.
- k. Oceanic Time Warner must bear cost of PEG conversion of NTSC signal to digital and the cost of connecting Akaku to other carriers as a condition of franchise.
- l. Free Internet connections and service for designated public facilities should be mandated.

- Akaku must have access to minimum specified symmetrical upload and download speeds. INET and public fiber should be installed alongside commercial fiber.
- m. Oceanic Time Warner must provide a minimum of 15 megabit symmetrical broadband service to Maui County subscribers by June 2014, increasing to 50 megabit symmetrical broadband in 2016 and a minimum of 1-gigabit symmetrical broadband service by 2018.
  - n. Free WiFi must be offered in all county parks and recreational facilities.
  - o. PEG channel numbers, location and placement should be stipulated in the franchise document, not require special equipment to view and permission to migrate or reassign must be obtained from DCCA and Akaku.
  - p. No PEG "channel slamming" or the arbitrary relocation of PEG channels or aggregating PEG channels under a single channel (i.e. 99). No separate application requiring additional clicks to get to PEG content or making PEG inaccessible to channel surfing.
  - q. PEG channels on digital tiers must have closed captioning capability.
  - r. PEG channels must remain in main traffic pattern of remote control and not banished to "cable Siberia" where viewers have difficulty locating them.
  - s. Terms like "efficiency" and "video on demand" methodologies should not be unilaterally used by Oceanic Time Warner to diminish delivery of programming. The definition and implementation of those terms and methods of delivery should be at the discretion, direction and under independent control of Akaku.
  - t. PEG channels must not be subject to channel latency. In some markets, it can take nearly two minutes for PEG content to appear once the correct channel has been selected.
  - u. PEG channels must be recordable and able to work with DVR recording devices.
  - v. Oceanic Time Warner must not infringe upon Akaku's ability to develop and deliver local and hyper-local content and/or programming by any media necessary, including cable TV, internet, community broadband, mobile devices, digital devices or any media platform yet to be invented and must support delivery of fully local PEG access services of interest to diverse communities and groups.
  - w. Since PEG access channels and services are "electronic public commons" with narrowcast and non-market based characteristics, ratings and viewership metrics must have lowest priority on evaluating community communications needs in order to establish channel expansion and/ or increased public bandwidth requirements.
  - x. Net neutrality principles and bandwidth symmetry characteristics must be guaranteed for the duration of the franchise.
  - y. As reported by the Community Ascertainment Study conducted in Oahu by Merina & Company in 2009, a "most favored nation" clause should be included in the franchise agreement, which would require Oceanic Time Warner to provide any public benefit services provided by Time Warner Cable in any of its markets, at the request of Akaku, the Cable Advisory Committee or the DCCA
  - z. Support for PEG access services must be increased, and under no circumstances may PEG access technology, support and funding be reduced from levels currently provided in the existing franchise agreement.
  - aa. Oceanic Time Warner's franchise should be revocable for cause after notice and due process for failure to perform.
  - bb. Oceanic Time Warner must agree as a condition of franchise to support the concept of "net neutrality" as defined by the DCCA.

#### ADDITIONAL CONSIDERATIONS

It is evident that the cable TV business is evolving away from just a video delivery business into a broadband business and will continue to do so for the contemplated term of the franchise. In evaluating Oceanic Time Warner's franchise renewal application, DCCA will need to determine Oceanic Time Warner's position on issues like net metering, deep packet inspection, filtering of content, bandwidth and

data speed, network symmetry and net neutrality. It is likely that in the next decade we will see ubiquitous broadband networks as the norm. Cable systems will morph into all-purpose IP networks with no traditional cable service or channels; the primary product will be transmission of voice and high speed data; and program distribution will adopt an internet model with sources of video programming located anywhere and accessible everywhere.

If DCCA is to do its job and help ensure a future for public communication and electronic democracy as it is required to do, Oceanic Time Warner's franchise renewal application must be looked at in the context of a rapidly evolving video market so that the PEG access paradigm can continue to flourish with adequate technical support and funding, in exchange for use of public rights of way regardless of the technology.





Chivo Ching -Johnson  
<chivocj@gmail.com>  
11/08/2013 10:47 AM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Testimony

Aloha! My name is Noel (Chivo) Ching-Johnson, and I would like to submit a few comments as testimony.

While I am currently an employee at Akakū: Maui Community Television, I also have a long history of video production in the private sector. Regardless of my affiliation, I feel that Akakū is an extremely important asset to Maui County. When working as an independent producer, I often would recommend people use Akakū services available to them as members of our Community. There is no other resource available to learn the skills taught at Akakū for the price. It is truly an affordable way to learn skills used on a regular basis in our day and age, and video production will only continue grow as a primary method of communication. Whether through cable television, or through social media, video skills are a necessary part of today's educational process. That is just one aspect of what Akakū excels in.

Akakū: Maui Community Television stands in Maui County as an integral part of the non profit world, which supports local government, and our three island Community in a big way. I cannot begin to tell you how often people thank me for all we do to help them in their individual missions as people, and as non profit organizations. I work with Cameron Center, Hui Malama, Women helping Women, Maui Childrens Justice Center, Imua Family Resources, The Maui Farm, MEO, Aloha House, Habitat for Humanity and on and on and on..... this is not to mention the numerous County agencies and departments that Akakū partners with and supports.... It is a win win for everyone. Akakū defines our community by giving voice to our citizens.

The downside of working at Akakū? Painfully slow internet. And I do mean Painfully slow... No bandwidth, unaffordable streaming capabilities, terrible signal.

Now it may well sound like I'm expecting Oceanic Time Warner to just fix all of these issues. I am. While Oceanic Time Warner is a for profit company,

they are also a monopoly: and cable monopolies are not supposed to operate without giving back.... for one thing, the pipes and conduits Time Warner uses is owned by them, but the land they lay or hang those lines in are owned by us: citizens of Maui County.

Time Warner pulls in record profits from us, the very citizens that give them the right to use our public rights of way, so why shouldn't we demand better services?

I need Oceanic Time Warner to take a small fraction of it's profits, and use that money to give our schools free internet. I need Time Warner to offer free wi fi in our public parks.

I need Time Warner to Crank up the knob on Internet speeds, Broad Band, and last, but certainly not least: I need Oceanic Time Warner to Treat Akakū like the asset it is, and give us an HD Channel and more money to operate with. For Starters, give us back the money for our educational programs that was taken away.

In closing, I would like to say that I enjoy my Movies and Television privileges, which I buy from Oceanic Time Warner. I Love using my internet, which I buy from Time Warner. What I don't like is to be treated like a second class citizen as I work my Okole off for my community. I am proud of the work I do with Akakū. Akakū deserves better. The law provides for it. You, the DCCA is tasked with making certain it happens. Please stand up to the giant that has our Federal Government in it's clutches. Stand up for the consumers that you are designed to protect.

It is time that Oceanic Time Warner is held responsible to give back to the community that it takes so much from. It is time Oceanic Time Warner pledges to Net Nuetrality. It is Time Time Warner gives more and takes less.

Mahalo,

Noel (Chivo) Ching-Johnson

Noel (Chivo) Ching-Johnson

*Senior Producer* : Akaku: Maui Community Television  
(808)-871-5554 (office)

Rec'd 11/6/2013  
at Maui hq.

## Statement of MJ Duberstein

Aloha Kakou

I intend to be very blunt this evening: Oceanic Time Warner should not receive even a single day extension of its current contract. Please note that these remarks are mine and mine alone.

My name is MJ Duberstein. I live in Kihei. And I have served on the Akaku Board of Directors starting in 2007 and as Akaku's Treasurer the last five years. Doing so has provided an intimate perspective of one of the nation's best regarded community access operations—a system blessed by a magnificent staff—both paid and volunteers—which in the face of continual hindrances thrown up by O-TW has struggled to survive.

Simply handing another twenty years over to O-TW is a slap in the face not only to all Hawaii community access systems but to quality programs in every state where Time Warner is both a monopoly and a monopsony—i.e. the only purchaser for like community efforts.

My training is as an economist. And even the most basic concept is that markets with competition are much more efficient than those of monopoly and monopsony. Completion should be the prime objective.

So, I ask you: Where is Time Warner's completion? That should be your initial question—simply because if you grant another twenty years carte blanche to Time Warner, all the worthy suggestions coming from Akaku and the Maui community have about the prospect of a snowball in Hell.

Mahalo and malama pono.

Lance Holter 11/6/2013

STATE OF HAWAII DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
CABLE TELEVISION ADMINISTRATION

These are my written comments RE: The consolidated application for renewal of the Maui County and Lahaina cable television franchise application submitted by Oceanic Time Warner Cable

Maui County is the only county in the United States separated by water. Made up of four islands, Maui County has a significant concentration of Native Hawaiian population and some of the most rural and underserved areas in the nation when it comes to access to broadband and television media. Akaku is Maui County's only electronic public media resource. These important characteristics position Maui County as deserving of a comprehensive cable franchise agreement that fits its needs and guarantees a sustainable community media future for all its residents. Time Warner has collected more than \$68,000,000 in revenue from Maui County subscribers in 2012 and will collect billions more if its franchise is renewed for another twenty years. I recommend that, at minimum, the following public media provisions be provided as a condition of franchise renewal, *as rent for the use of Maui County's public rights of way*:

1. Time Warner should be required to build out cable tv and broadband service to every home in Maui County
2. Akaku's PEG channels must be carried in the same format and with the same signal quality as all local broadcast channels. This will require guaranteed channel placement on all service tiers, keep them easy to find and repeat them in HD
3. There should be no diminishment of current dedicated PEG analog electronic spectrum without the full written consent of Akaku and the DCCA.
4. Funding for Akaku should be increased with no cable company restraints on Akaku's use of cable fees to provide content on cable TV, internet, digital devices or any other media platform currently in use or yet to be invented.
5. Oceanic Time Warner must provide PEG services to Akaku and Maui County that are the same or better than the PEG services it provides to any other jurisdiction for the duration of the franchise.
6. Time Warner needs to pay 5% of franchise fees from cable gross revenue and a reasonable capital contribution of no less than \$4.00 per subscriber per year with annual 4% increases for the duration of the franchise term. Funding should be contractual for the term of the franchise notwithstanding changes in state or federal legislation.

7. Oceanic Time Warner should be required to provide fast, affordable, broadband that will achieve minimum speeds of 1 gigabit symmetrical service by 2018 for all Maui County residents and business subscribers
8. Oceanic must provide free broadband and/orWiFi in all county parks, recreational areas and community centers.
9. To support economic development and education, Oceanic Time Warner must provide live upstream transmission capability and high speed broadband service to designated Community Anchor Institutions, public and private schools, government buildings, hospitals, libraries, community centers, community media centers, non-profit agencies, Akaku and public parks at no charge.
10. Oceanic Time Warner must provide 25 hours per month of video on demand capability to Akaku for the duration of the franchise with increased capacity to be negotiated during the franchise term.
11. Oceanic Time Warner must provide 100 promotional spot inventory per month in run of schedule to be programmed by Akaku.
12. If the franchise agreement with the DCCA is superseded or replaced with federal and/or state broadband regulation and/or state video programming/broadband franchises, Time Warner must agree that equivalent fees or revenue from taxes on broadband revenue will be used to fund local access and programming (formerly PEG access channels), which will be program sources connected to the internet.
13. Oceanic Time Warner must bear cost of PEG conversion of NTSC signal to digital and the cost of connecting Akaku to other carriers as a condition of franchise.
14. Time Warner must provide PEG channels on digital tiers with closed captioning capability and all PEG channels must be recordable and able to work with DVR recording devices.
15. Since PEG access channels and services are "electronic public commons" with narrowcast and non-market based characteristics, ratings and viewership metrics must have lowest priority on evaluating community communications needs in order to establish channel expansion and/or increased public bandwidth requirements.
16. Net neutrality principles and bandwidth symmetry characteristics must be guaranteed for the duration of the franchise.
17. Oceanic Time Warner's franchise should be revocable for cause after notice and due process for failure to perform.

In conclusion, Oceanic Time Warner's franchise renewal application must be looked at in the context of a rapidly evolving video market so that the PEG access paradigm can

Lance Holter 11/6/2013

continue to flourish with adequate technical support and funding, in exchange for use of public rights of way regardless of the technology.

Mahalo

Lance W. Holter

Lance W. Holter  
P.O. Box 790656  
Paia, HI  
96779

1-808-579-9442



Adrian  
<bionicloves@gmail.com>  
11/06/2013 06:25 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc

Subject Please, Maui needs your help!

Please consider the following here on Maui.

1. Make cable TV and affordable, high speed internet available to EVERY resident and business in Maui County.
2. Cablecast Akaku channels with the same format and signal quality as local broadcast channels. Keep them easy to find and repeat them in HD.
3. Increase funding and capital support for Akaku with no restrictions on funds
4. Help Akaku use all media and technology necessary to get video to and from every screen in your home, your backpack or your pocket and create media jobs for our keiki.
5. Free Wi-Fi in public parks, libraries and community centers.
6. Provide Akaku with 25 hours per month of video on demand.
7. Guarantee that Time Warner matches the best public benefits it provides to any other location in the nation.
8. Make Time Warner support for "net neutrality" a condition of franchise

Aloha,  
Adrian



Aloha Spirit  
<alohaspiritt@aol.com>  
11/06/2013 04:34 PM

To "cabletv@dcca.hawaii.gov"  
<cabletv@dcca.hawaii.gov>  
cc  
bcc  
Subject Re: Oceanic Time Warner Renewal

November 6, 2013

I would also like the DVR rentals to be priced at a livable rate, not this unregulated gauging rate they are charging. As we all know, competition helps everyone.

Remember Aloha Airlines? Let us never forget them.

On Nov 4, 2013, at 11:06 AM, Aloha Spirit wrote:

**Date: November 4, 2013**  
**To: [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov)**  
**From: J. Janco**  
**RE: Oceanic Time Warner Renewal**

**To Whom It May Concern:**

**Since we are unable to attend the Public Hearing, We are emailing our views. We are happy with the service.**

**I would like these options added to our service:**

- • To be able to record more than two programs at a time.
- • To be able to have Netflix with your service.
- • Make cable TV and affordable, high speed internet available to EVERY resident and business in Maui County
- • Non exclusive rights.
- • Maui customer service phone center or train people to know Maui.





blazeonmaui@aim.com  
11/06/2013 03:07 PM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject testimony oceanic time warner

***.my comments are ; 1. Make cable TV and affordable, high speed Internet available to EVERY resident and business in Maui County.***

***2. Cablecast Akakū channels with the same format and signal quality as local broadcast channels. Keep them easy to find and repeat them in HD.***

***3. Increase funding and capital support for Akakū with no restrictions on funds.***

***4. Help Akakū use all media and technology necessary to get community video to and from every screen in your home, your backpack or your pocket and create media jobs for our keiki.***

***5. Free Wi-Fi in public parks, libraries and community centers.***

***6. Provide Akakū with 25 hours per month of video on demand.***

***7. Guarantee that Time Warner matches the best public benefits it provides to any other location in the nation. Thank you , Gene weaver 20 year maui resident 808 8708297 Kihei***



<olaf@maui.net>  
11/06/2013 01:27 PM

To <cabletv@dcca.hawaii.gov>  
cc  
bcc  
Subject Oceanic Time Warner Cable

I would like to see the end of bundling. I seem to have to pay the majority of my cable bill for the many channels I don't and won't watch. Can we choose our channels so we can watch what we would like and not receive channels we don't ever tune in? I understand that Disney and Oprah are expensive and all those home shopping channels that we never watch are money wasted. This would make the whole cable experience a lot more enjoyable and affordable. Right now I mostly watch old movies and Jon Stewart. The internet and phone access are convenient and the service is moderately OK (at least the people don't rub their nipples and enjoy watching your anger as they tell you they are the only game in town and you just have to take what they hand out). I would vote for breaking up the monopoly like the phone companies. We would probably get more responsive service and better programming if there were some competition in the field. Competition makes better products, services and business opportunities.



Sky Pierce  
<skypierce1@gmail.com>  
11/06/2013 11:07 AM

To "Suki @ Akaku" <suki@akaku.org>,  
cabletv@dcca.hawaii.gov  
cc Ian Cole <icole@ntbg.org>, Andrew Rayner  
<andrew@hanahawaii.net>

bcc

Subject Re: Time warner

## **Comments on Oceanic Time Warner Cable's Application for Franchise Renewal in Maui County**

To the DCCA and whomever else may be concerned,

I would like to provide some comments and testimony on the issue of internet service provided by OTW in the Hana area. I am a longtime resident and wear many hats in the community. I am an employee at Hana High and Elementary School, a small business owner, and a board member of the Hana Business Council.

Internet is absolutely vital to the Hana community on many levels. Though OTW recently upgraded our microwave link and improved the reliability and speed of the internet, there is still a large gap between the fiber optic delivery most of the island enjoys and what is available to us. Outages still happen frequently, and customer service is still inadequate. I have personally been waiting two weeks now for a technician to come and address an intermittent outage/slowdown issue I have been having.

The school relies increasingly on the internet for the delivery of educational content. In fact, most of the required testing is done online. Staff depends on a good connection to attend meetings via video conference. These are meetings which would otherwise require 5 hours of driving, significant fuel costs, and days away from the classroom. It is absurd to expect our teachers and students to achieve standards based in part on the use of new technology if they don't even have reliable access to that technology. From an education standpoint - quality internet is essential. I believe that's why the federal government has recently been pushing for increased connectivity for schools.

Small and medium size businesses rely on the internet to conduct transactions, communicate with clients, and provide income for families. Because of the remote location, this connectivity is vital to the livelihood of these businesses, and outages of even a few hours can mean hundreds or thousands of dollars lost. In a time when local residents are faced with moving away to feed their families, internet connectivity provides an alternate option - IF it is reliable and fast.

Individual residents rely on the internet and tv to stay informed about important news events, communicate with family in other places, etc. In fact, during the tsunami warning last year, the vast majority of residents got their most up to date and accurate information via the web. It can literally save lives.

Please consider requiring OTW to further improve the internet access available to ALL rural and remote communities like Hana, Moloka'i and Lana'i. They claim to have "tried" to move forward with a plan for fiber optic, but it seems to have been abandoned prematurely "for reasons beyond their control". If the state requires it, a fiber optic connection to Hana is NOT impossible. Individuals and organizations of the community have even offered assistance in this effort, but were told it was too late as quickly as we became aware of the "effort".

Respectfully,  
Sky Pierce



JASON SCHWARTZ  
<dreammauiinc@gmail.com>  
11/06/2013 10:56 AM

To cabletv@dcca.hawaii.gov  
cc AKAKU MAUI COMMUNITY TV April <jay@akaku.org>, live@akaku.org  
bcc

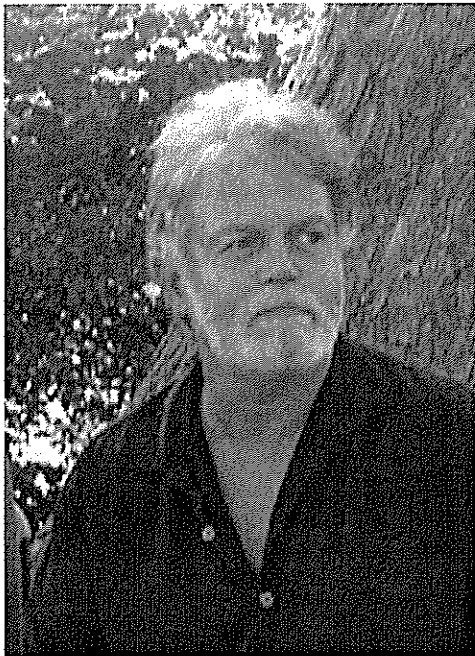
Subject 5pam:Written testimony submission to DCCA re: Ocean Time Warner request for franchise license renewal on Maui

1 attachment



akakusupportletter-DCCA-11-6-13.pdf

*This email contains confidential and privileged information intended only for the addressee(s). Please do not read it unless you are an addressee. If you are not an addressee, please call Mr. Jason Schwartz of DreamMaui Inc. at (808) 874-5900. You are hereby notified that any dissemination, distribution, copying or other use of this email or any attachments or included link addresses thereto without express written authorization from the sender is strictly prohibited. Thank you.*



<http://DreamMaui.org>



November 6, 2013

Attention: DCCA Review Committee considering 20 year license renewal by Oceanic Time Warner (OTW) Cable on Maui, Hawaii

Aloha,

As a charter "user" community producer for the last 20 years, with more than 700 productions and presently STILL producing more productions, I have experienced exponential growth in community awareness of the importance of public access TV in the lives of Maui citizens. EVERY DAY people comment to me about Akaku, both the shows they have enjoyed or have spurred them to action and others that entertained them, and others that have given them programming they simply don't think they find anywhere else, a certain "independent" brand.

As holders of this right to free speech, Oceanic Time Warner needs to make a pledge. The bestowal of this right for twenty more years demands forward vision and commitment by OTW to monies and to services in the future for Akaku, and to provide "up to speed" signals of the broadcasts and equal positions on the dial as any other broadcast channel, FOX, CBS, etc. as well as Discovery or Food Network or any others.

Public service is what I think is in order. OTW derived large profits should be after serving ALL of Maui's citizens. Internet access in all public parks, libraries and community centers should be provided at NO additional charge to anyone, as part of "doing business" and being given that right to do so.

Provide Maui with as good a bundle of services to our public as OTW provides anywhere in the nation.

TV industry job creation and the relevant growth for Maui's youth and adult population is a significant component of the vision of our non-profit, the Maui Arts & Music Association and the HEART of our purpose. Akaku has and we hope will continue to be pumping the blood into the very arteries of our society's future and this license application renewal's acceptance should be predicated on an unrestricted flow of funds to Akaku and unrivaled importance in the continuing desire to serve the public good.

Thank you.

Sincerely,

Jason W. Schwartz  
Executive Director  
Maui Arts & Music Association (MAMA)  
People Aligned in Positive Action (PAPA)  
DreamMakers Foundation Hawaii  
<http://DreamMaui.org>



Jace Panebianco  
<jace570@hotmail.com>  
11/06/2013 09:46 AM

To Louis Diliberto <lou@maui.net>, "cabletv@dcca.hawaii.gov"  
<cabletv@dcca.hawaii.gov>  
cc  
bcc

Subject Spam:RE: Akaku letter of support / Jace Panebianco,  
Director Poor Boyz Productions

To whom it may concern;

My name is Jace Panebianco, from Poor Boyz Productions and I am writing in support of Akaku .

Nearly ten years ago I got my start in video production at Akaku , their community education programs gave me easy access to the equipment, training and the knowledge necessary to explore this field. I have been fortunate to take those early teachings and fashion them into a successful profession.

Not all people who participate in these programs go on to become professional cinematographers, and this to me is the beauty of the program . Because of Akaku, all citizens are able to learn, produce and disseminate their views. In turn, all households with cable television are able to stay current with local events and viewpoints .

I wholeheartedly support Akaku and hope that Oceanic Time Warner Cable will do so as well .

Aloha,

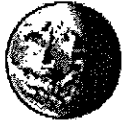
**Jace Panebianco**

PO Box 791791

Paia, Hawaii 96779

(808) 283-8688

[www.thewindsurfingmovie.com](http://www.thewindsurfingmovie.com)



"Allison Wiest"  
<pr@eastmauiwatershed.org>  
>  
11/06/2013 09:27 AM

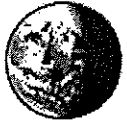
To <cabletv@dcca.hawaii.gov>  
cc  
bcc  
Subject Public television testimony

*Aloha,*

*I support these requirements for public access television!!!*

- 1. Make cable TV and affordable, high speed Internet available to EVERY resident and business in Maui County.*
- 2. Cablecast Akakū channels with the same format and signal quality as local broadcast channels. Keep them easy to find and repeat them in HD.*
- 3. Increase funding and capital support for Akakū with no restrictions on funds.*
- 4. Help Akakū use all media and technology necessary to get community video to and from every screen in your home, your backpack or your pocket and create media jobs for our keiki.*
- 5. Free Wi-Fi in public parks, libraries and community centers.*
- 6. Provide Akakū with 25 hours per month of video on demand.*
- 7. Guarantee that Time Warner matches the best public benefits it provides to any other location in the nation.*

*Aloha, Allison*



pflukes@hawaiiantel.net  
11/06/2013 09:08 AM

To cabletv@dcca.hawaii.gov  
cc  
bcc  
Subject Akakū

*Please vote to support Akakū's needs. It truly is one of the things that sets Maui apart and makes us no ka oi.*

Mahalo!!

- 1. Make cable TV affordable, and high speed Internet available to EVERY resident and business in Maui County.*
- 2. Cablecast Akakū channels with the same format and signal quality as local broadcast channels. Keep them easy to find and repeat them in HD.*
- 3. Increase funding and capital support for Akakū with no restrictions on funds.*
- 4. Help Akakū use all media and technology necessary to get community video to and from every screen in your home, your backpack or your pocket and create media jobs for our keiki.*
- 5. Free Wi-Fi in public parks, libraries and community centers.*
- 6. Provide Akakū with 25 hours per month of video on demand.*
- 7. Guarantee that Time Warner matches the best public benefits it provides to any other location in the nation.*