



November 20, 2013

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Catherine Awakuni, Cable Administrator
Department of Commerce & Consumer Affairs
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Dear Administrator Awakuni,

Enclosed please find Ho'ike: Kauai Community Television, Inc.'s response to the Department of Commerce and Consumer Affairs Second Request for Information dated November 8, 2013. In addition to this response we will be providing you with a pdf version for your use.

Should you have any questions what so ever about our response please contact me at your convenience at (808) 246-1556 or via email using jrobertson@hoike.org as my contact.

Sincerely,

J S Robertson
Managing Director

CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS
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Ho'ike: Kauai Community Television, Inc.

4211 Rice Street #103, Lihue, Hawaii, 96766 ~ Ph: (808) 246-1556 ~ Fax: (808) 246-3832

Re: Application of Ho'ike: Kauai Community Television for Designation of a PEG Access Organization on Kauai

Department of Commerce and Consumer Affairs Second Request for information

1. Ho'ike has cultivated strong relationships with a number of non-profit and community organizations over the years. The initial thrust of this association was to provide supplementary video production and assistance in addressing the delivery of the agencies messages. We now plan to extend that relationship to provide more comprehensive services and a more viable and effective outreach mechanism. Those services may include the creation and production of various video programs related to the services and programs offered by each entity.

Within the next five years Ho'ike intends to target a minimum of three community organizations per year. This program will provide an introduction to Ho'ike (our mission, services, and capacity) develop a mutual understanding of project goals, generate a cooperative inter-agency team, and produce materials intended to benefit the community and the agencies clients. effective outreach mechanism. Those services may include the creation and production of various video programs related to the services and programs offered by each entity.

The term of the contract has not been discussed and is somewhat mute. However, it is Ho'ike's intention to continue to develop the program and expand its reach and service to Kauai as long as we operate.

2. Please refer to the "Application to Provide PEG Service Kauai, Hawaii" On page 50 (Executive Summary Comparative Analysis) Section "B" Total hours of first run programming for years 2009 to 2012.

3. Please refer to the "Application to Provide PEG Service Kauai, Hawaii" On Page 50 (Executive Summary Comparative Analysis) Section "B" Total hours of repeat programming for years 2009 to 2012.

4. Please refer to the "Application to Provide PEG Service Kauai, Hawaii" On Page 50 (Executive Summary Comparative Analysis) Section "C" Total hours of bulletin board programming for years 2009 to 2012.

5. Yes, Ho'ike does consider programming produced locally as "Local Origination" programming.

6. Please refer to the "Application to Provide PEG Service Kauai, Hawaii" On Page 50 (Executive Summary Comparative Analysis) Section "C" Total hours of locally produced programming for years 2009 to 2012.

7. Please refer to the "Application to Provide PEG Service Kauai, Hawaii" On Page 50 (Executive Summary Comparative Analysis) Section "D" Total hours of programming by PEG Trained/Certified Producers for years 2009 to 2012.

8. The discrepancy between the numbers of OPEN MIC hours is due to the use of total hours of programming that was aired versus the number of original content hours. The question #8 called for "programming" and not original program hours. Programming refers to performance on the channel in terms of total hours or first run original hours. The 23, 22, and 18 hours originally listed indicate the original first run program hours. The compilation of the 253.50 hours reflects the actual on-air programming performance time during the described time period.

2009	2010	2011	2012	
39	23	22	18	original content first run hours

2009	2010	2011	2012	
		385:54	346:50	hours of open mic/community camera programming

9. Please refer to the "Application to Provide PEG Service Kauai, Hawaii" On Page 50 (Executive Summary Comparative Analysis) Section "D" Total hours of Programming produced developed by PEG for years 2009 to 2012.

10. The declaration that Ho'ike's Video on Demand system is not a cable system is not a claim it is indeed a fact in as much as it is only available via the internet, a distribution system declared to not be cable by the State. This is a program that is an exclusive service of the Ho'ike website and at no time is controlled or influenced by the cable system.

a. The programming for the VOD service is generated by Ho'ike producers and residents. There is an eclectic mix of community interest programming that includes art & entertainment, sports, health & well being, culture, issues, Kauai seniors, and other categories.

b. There is no funding source for this service. It is a complementary service leveraged during the purchase of the Ho'ike digital playback system from the vendor as additional value for our community service operations.

c. There is a nominal expense for the host and maintenance of the website. The amount is approximately \$93.00 per month. The primary expense for internet is the \$300 per month connectivity charge from Oceanic Time Warner. The source of the funds is derived from the Operational franchise fee.

d. Video on Demand details are not available in number of hours viewed. The standard accounting for this type of service is the actual number of "hits" the sight received which is translated into number of programs viewed. The hours viewed is not registered.

2009	2010	2011	2012	
N/A	N/A	2,881	3,613	individual viewer hits on Video on Demand

11. Short Term Plans

1. Extend relationship and partnerships with an expanding network of community groups and organizations. Specifically to provide information on Ho'ike partnership opportunities, participate in joint activities and encourage our community members to take advantage of their options.

[This is a continuous marketing and outreach project. An annual goal of a minimum of three (3) community organizations is current.]

2. Continue to expand current working relationships with Kauai's public and private schools. Personal outreach has proven to be the most effective means of working within our school system. Our staff's education outreach member has contacted schools offering our services and information them of the potential of youth training and access to the PEG equipment. To date three immersion schools have indicated an interest and we will follow up by implementing a training program when they are ready.

Our other schools are actively engaged with our operations and we will continue to extend our services. *[The goal is to initiate services and opportunities to all High Schools on Kauai in 2014-2015. Interest and efficiency will determine the development of the high school program. In 2015-2016 Ho'ike intends to provide the same opportunity to Middle School media arts programs. By the fall of 2017 or early 2018 we intend to provide this partnership with all interested schools on Kauai.]*

3. Incorporate advanced web technology to provide a simplified submission process allowing for program delivery via the internet to our playback servers. This system will utilize a web-based "cloud" technology. We have begun using this system for the delivery of a few programs from across the state. The immediate plan is to inform and help train our producers in this technology and implement a broader use of the web delivery as it becomes a more useful tool for the producers.

[This project will be instituted and utilized in 2014. Ho'ike currently accepts submissions via ftp internet files forwarded to the programming department.]

4. Work with Kauai Economic Development Board and the County of Kauai in a feasibility study and plan for a Kauai Digital Media Center. This project is driven by the County of Kauai and the Kauai Economic Development Board. Ho'ike is a participant in the planning and study of the media center. Our immediate goal is to continue to participate as much as allowed and finally determine if it is the appropriate avenue for our growth and future.

[This project and evaluation is currently in progress.]

5. Transition and development of High Definition (HD) technology – This development is dependent upon and would require the cooperation and assistance of the cable operator in the provision of digital and HD tier of service.

[Ho'ike is anxious to expand the content delivery into today's traditional high-definition technology. There is no timetable established and we cannot predict the future requirements of the cable operator.]

6. Seek new ways to provide services to under-represented sectors of our community. Our immediate action is to conduct meetings with our County officials dealing with the under-representative segment of our community to determine a variety of programs that will assist them including but not limited to social service programs, personal training in video, support for identified causes. We have scheduled a meeting with the Office of the Mayor, the Director of Communications and the Mayor's Advisory Council on Equal Access (MACFEA). The County as agreed to provide the direction and guidance while Ho'ike will implement and execute the services.

[The initial phase of this collaboration is currently underway and a meeting with the Mayor's Advisory Council on Equal Access is scheduled for November 19 to discuss elements of captioning and providing

service for our ADA community. We are also currently in discussions with the public outreach arm of our Kauai Police Department to develop a series of programs related to mass assaults and civic action and protection. It is our goal to have a series in production in 2014. We also expect to initiate a similar program with the Kauai Fire Department by the end of 2014 and into 2015. While the need is immediate, we anticipate including programs related to Civil Defense and disaster preparation by 2015.]

b. Our current staff is capable of accomplishing all of the goals listed above. If and when the need arises we have the capacity to hire additional staffing to accommodate the projects.

12. Ho'ike provides live coverage of the Hawaii State Legislature when it is available. The Legislative proceedings are aired live as shared via the HITS system. If difficulties arise from HITS failures, transmission issues or the scheduled hearing or session is more than 30 minutes late in commencing we tend to return to regularly scheduled programs.

13. Late in 2011 the Ho'ike Board of Directors convened to conduct a strategic plan session which resulted in a "strategic vision" instead. The vision and set of goals was articulated but never formalized nor adopted in an official meeting. The concept and direction was implemented but it would not be accurate to identify the goals and actions as part of a Strategic Plan. The Operational Plan was required to be delivered to the DCCA prior to November 1, 2011 and as such was premature in light of the ultimate actions of the Board of Directors.

14. It is essential to note that both State and Federal Courts have ruled that Hawaii's PEG entities are NOT State Agencies and therefore are not subject to HRS 92-f. Ho'ike's by-laws state that the corporations "book of accounts shall be open to inspection by a Director, the Director of the DCCA, the Cable Operator or their representatives at any reasonable time." Disclosure to the general public is not included in the by-laws.

15. Without waiving any objection to the inquiry on statutory grounds of the application of HRS 92f I direct you to:

(2006)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2006 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on July 23, 2007. Please consider this submittal as a response to your inquiry.

(2007)

The Ho'ike Kauai Community Television, Inc. Financial Statements December 31, 2007 and 2006 page 3 "Net Assets – end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on June 13, 2008. Please consider this submittal as a response to your inquiry.

(2008)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2008 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on November 17, 2009. Please consider this submittal as a response to your inquiry.

(2009)

The Ho'ike Kauai Community Television, Inc. Financial Statements December 31, 2009 and 2008 page 3 "Net Assets – end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on April 20, 2010. Please consider this submittal as a response to your inquiry.

(2010)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2010 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on February 27, 2012. Please consider this submittal as a response to your inquiry.

(2011)

The Ho'ike Kauai Community Television, Inc. Financial Statements December 31, 2011 and 2010 page 3 "Net Assets – end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on March 22, 2012. Please consider this submittal as a response to your inquiry.

(2012)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2012 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on September 18, 2013. Please consider this submittal as a response to your inquiry.

16. Without waiving any objection to the inquiry on statutory grounds of the application of HRS 92f1 direct you to:

(a&b) (2006)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2006 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on July 23, 2007. Please consider this submittal as a response to your inquiry.

(a&b) (2007)

The Ho'ike Kauai Community Television, Inc. Financial Statements December 31, 2007 and 2006 page 3 "Net Assets – end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on June 13, 2008. Please consider this submittal as a response to your inquiry.

(a&b) (2008)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2008 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on November 17, 2009. Please consider this submittal as a response to your inquiry.

(a&b) (2009)

The Ho'ike Kauai Community Television, Inc. Financial Statements December 31, 2009 and 2008 page 3 "Net Assets – end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on April 20, 2010. Please consider this submittal as a response to your inquiry.

(a&b) (2010)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2010 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer

Affairs approximately on February 27, 2012. Please consider this submittal as a response to your inquiry.

(a&b) (2011)

The Ho'ike Kauai Community Television, Inc. Financial Statements December 31, 2011 and 2010 page 3 "Net Assets – end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on March 22, 2012. Please consider this submittal as a response to your inquiry.

(a&b) (2012)

The Financial Audit of Ho'ike Kauai Community Television, Inc. December 31, 2012 page 5 Statement of Activities "Net Assets at end of year" already submitted to the Department of Commerce and Consumer Affairs approximately on September 18, 2013. Please consider this submittal as a response to your inquiry.

c. It is essential to note that both State and Federal Courts have ruled that Hawaii's PEG entities are NOT State Agencies and therefore are not subject to HRS 92-f. Ho'ike's by-laws state that the corporations "book of accounts shall be open to inspection by a Director, the Director of the DCCA, the Cable Operator or their representatives at any reasonable time." Disclosure to the general public is not included in the by-laws.