

Testimonies from Honolulu, Oahu

Testimony Before the Department of Commerce and Consumer Affairs in Support of the
Application for the Indirect Transfer of Control of Oceanic Time Warner Cable LLC
Submitted September 9, 2015
Oahu Franchise

Director Awakuni Colón, ladies and gentlemen, Aloha. My name is Adam Falk. I am the Senior Vice President for State Government Affairs for Charter Communications and am responsible for Charter's relationship with state and local governments across the country.

Thank you for this opportunity to discuss the proposed transaction between Charter and Time Warner Cable. I am honored to be here and excited to speak with you about Charter and our plans for the future. I am confident that Charter will be a positive addition to Hawaii – benefitting the people who live here by enhancing existing communications infrastructure and services, investing in the local economy, and providing good jobs for local residents.

Under the terms of the proposed transaction, Charter will merge with and assume control of Time Warner Cable, including its Hawaii subsidiary, Oceanic Time Warner Cable. This transaction, together with Charter's acquisition of a third cable provider - Bright House Networks - promises to build on the best attributes of the merging companies to offer world-class communications services to the people of Hawaii.

Charter recognizes the uniqueness of Hawaii. We value the State's rich history and diverse culture. After the transaction closes, we hope to operate Oceanic as part of our national footprint while still preserving the local nature of the company's presence here in Hawaii. Working with you and Oceanic's experienced employees, we plan to achieve the balance that will serve customers well in the future.

I. INTRODUCTION TO CHARTER

While Charter may not be well known in Hawaii, it is a leading communications company that provides some of the nation's most advanced broadband Internet, video, voice, and

business services. Charter serves over 5.8 million residential customers and almost 400,000 commercial customers, including approximately 4.3 million video and 5.1 million broadband customers across the country. Headquartered in Stamford, Connecticut, Charter operates in 28 states and employs over 23,500 people.

Charter is widely recognized as having one of the best cable management teams in the industry. In the past 12 months, two of the industry's leading trade publications – Multichannel News and CableFAX Daily - named Charter its "Operator of the Year." The New York Times recently reported that Charter's CEO Tom Rutledge has "a reputation for being one of the best operators in the industry." Under his leadership, the merged company will have the incentive and the resources to extend Charter's existing pro-customer and pro-broadband model to Oceanic's systems in Hawaii, and to further increase investment in its network and communities.

When this management team came to Charter three and one-half years ago, it immediately began making significant changes. The company invested heavily in the network, upgraded its infrastructure and instituted a growth strategy founded on consumer-friendly principles. Today, Charter is the fastest growing publicly-traded cable company in the United States, and our customers are increasingly satisfied with both our products and our service.

The cornerstone of Charter's business strategy is to fulfill customers' needs by providing best-in-class product offerings at highly competitive prices and demonstrating a true commitment to customer care. Charter has infused more uniformity into its pricing and packaging and is noted for straightforward billing practices without a lot of additional taxes and charges added. The company is well known for some of the things it does *not* do. Charter does not impose extra fees such as modem fees, state or federal USF fees, E911 fees, subscriber line fees, additional outlet fees, or early termination fees.

In the last three and one-half years, Charter has invested \$5.5 billion in our network and added approximately 7,000 new jobs. For a company with over 23,500 employees today, that means Charter has added almost a third of its workforce in a very short period of time without any major acquisitions or new service areas having been added to its footprint. The company has returned jobs to the United States from other countries, boosted base broadband speeds, and added more video programming channels, HD services and VOD options for our customers.

Charter also has a long history of technological innovation that, when combined with the technical capabilities of Time Warner Cable and Bright House Networks, will ensure that Hawaii continues to receive cutting-edge, high quality products and services. Many of the most popular technological advancements available today, such as Video-On-Demand, remote DVR, wide scale roll-out of WiFi over cable outdoors, and cable programming through an app, were created by people associated with Charter, Time Warner Cable and Bright House Networks. Our record demonstrates a commitment to making the investment necessary to ensure that Charter's network is not only robust for the needs of today, but is also positioned to evolve to meet consumer and business demands of the future.

Moreover, by combining Charter's business strategy of investing in and offering high-quality services at competitive prices, Time Warner Cable's technical expertise, operating momentum and established commitment to diversity, and Bright House Networks' strong reputation for customer care and initiatives to expand broadband adoption to close the digital divide, the transaction will deliver significant tangible benefits to the people of Hawaii. I would like to take just a few minutes to talk about some of those benefits.

II. SERVICES AND CUSTOMER CARE

A. Residential Video Services

Charter remains an innovative leader in the delivery of video programming content to customers. Having now transitioned virtually our entire network to digital, Charter is well positioned to continue Oceanic's efforts to move its systems in Hawaii to an all-digital format. This is critically important for Hawaii because the move to all-digital will free up spectrum, allowing Charter to provide faster broadband speeds and significantly more high definition and on-demand channels.

Charter is also a leader in the creation of new video technology. Charter's innovative interactive, on-screen guide (which we call *Spectrum Guide*) offers a customizable interactive experience that allows customers to find video content more easily across cable TV channels and on-demand options. Because the Spectrum Guide uses cloud-based technology, it works on customers' existing two-way set-top boxes, so they can avoid the time and expense of having to get a new box. The Spectrum Guide in an app form will soon be able to work with innovative retail devices such as Roku. Additionally, for consistency between the television and app viewing environments, the Charter TV app will include the Spectrum Guide user interface. Charter has committed to deploy our Spectrum Guide quickly across the merged entity, including within the State of Hawaii.

Upon completion of the conversion to all-digital, Charter will begin deploying our new Worldbox consumer premises equipment system. This system will enhance the customer experience by providing new and improved box capabilities, such as additional simultaneous recordings and increased storage capacity for DVR users.

Furthermore, Worldbox utilizes a downloadable conditional access system and digital rights management platform, which enables Charter to source set-top boxes that lack costly

proprietary security systems. Because the Worldbox security system works differently than current boxes, it provides customers a greater degree of flexibility to take their converter equipment with them when they move. Deploying Worldbox throughout Charter's territory will enhance the user experience and enable the more cost-efficient provision of service.

Furthermore, our adoption of Charter's downloadable security solution supports the development of devices manufactured by third parties, thereby increasing competition in the set-top box market and potentially driving down costs to consumers. Congress, the FCC, and consumer groups have long encouraged this sort of competition in the set-top box market as an important pro-consumer goal. Finally, Worldbox is designed to comply with the Environmental Protection Agency's ENERGY STAR 3.0 efficiency levels, which will help contribute to annual residential electricity savings, especially in Hawaii where electricity rates are some of the highest in the nation.

We know there is an interest in expanding cable and broadband offerings in Hawaii wherever economically feasible. Along with the technological advancements just discussed, Charter commits that within 4 years of transaction closing, the company will build out one-million line extensions to homes in our franchise areas. Additionally, the company has committed to spend an additional \$2.5 billion in the build-out of networks into commercial areas within our footprint beyond where we currently operate. While we do not know today how many of those line extensions or commercial build out projects will be constructed in Hawaii, upon closing the transaction, we will evaluate each of the Oceanic systems to determine where they are appropriate.

Increased scale will also help drive investment, which is good for customers. The transaction will lower the per-customer fixed costs of investments, facilitating the deployment of

new technology and advanced infrastructure. In addition, substantial synergies will reduce the merged company's costs, providing additional resources to invest productively.

Finally, with regard to the provision of cable television service, let me assure DCCA and the public that Charter intends to meet its obligations under its franchises; this includes PEG. The company has a long history of working with the public, educational and government access programming communities. In fact, because of Charter's willingness to engage with those interests in a positive and constructive manner, some in our existing service areas have already publicly lent their support to the transaction.

B. Broadband Internet Services

Next, although I recognize DCCA's regulatory jurisdiction is limited to cable television, one of the other significant benefits is Charter's commitment to faster base broadband services for residential and small business customers (without modem fees), and consumer-friendly terms including no data caps, usage based pricing or early termination fees. In virtually all of our service areas, Charter's lowest broadband speed is an extremely fast 60 Megabits per second, which, among other things, allows several people in a household to stream HD video, while surfing the web at the same time. In addition, Charter will introduce a new broadband program for low-income consumers, as discussed later in this testimony.

The company is also committed to expanding mobile broadband options. Charter knows that Oceanic has already begun deploying WiFi access points in Hawaii. Charter commits that within 4 years of the closing, we will deploy 300,000 new out-of-home WiFi access points nationwide. Again, Charter does not yet know how many will be in Hawaii, but the company commits to evaluate the needs of each local system as we develop our deployment strategy and Hawaii will be included in Charter's outdoor WiFi plans.

Consistent with our commitment to delivering superior broadband service designed for data-intensive applications, like HD online video, Charter has long practiced network neutrality, and we will not block or slow down Internet traffic or engage in paid prioritization. This commitment will remain in place for at least the next three years, regardless of the pending judicial appeal of the FCC's *Open Internet Order*. And we have consistently invested in interconnection capacity to avoid network congestion. We have also committed to continue settlement-free interconnection, fostering Charter's good reputation among leading Internet content providers, like Netflix, which opposed the Comcast-Time Warner Cable transaction, but publicly supports this one.

C. Customer Care

Charter's pro-consumer approach includes a commitment to customer care. We are focused on improving Charter's customer service and will leverage the transaction to better our relationships with customers across our footprint. As previously stated, Charter has brought back jobs from overseas call centers and hired thousands of people to improve customer care services. The company also brought more field service technicians in-house, providing better job-training, benefits and opportunities for advancement, developing our own highly-skilled and well-paid workforce that will serve to improve overall customer care functions.

Charter also offers multiple easy-to-access support services emphasizing convenience and efficiency. The company offers same-day, evening and weekend appointments for service calls. Charter provides telephone and email alerts to customers with scheduled service calls to inform them of the arrival time of the technician.

To further ensure that our customers receive the best possible service, Charter has upgraded and expanded its system monitoring capabilities, and will continue TWC's practice in Hawaii of monitoring all two-way devices in the home – digital converters and modems – 24

hours a day, 7 days a week, 365 days a year. Customer service representatives also have the ability to access in-home information with the customer on the phone, so that they may provide remedies while the call is taking place.

D. Community Commitment and Investment

Finally, I would particularly like to highlight Charter's positive role in the communities it serves. Charter considers our relationships with the communities we serve as partnerships. The company will work with the DCCA staff to ensure that the transaction is seamless and that Hawaii customers receive the highest quality and most reliable services.

Charter will preserve and expand existing programs offered by the three merging companies that establish their strong corporate citizenship. For example, Time Warner Cable has recognized best practices with respect to diversity and inclusion for employees, suppliers, and corporate governance. Charter will incorporate and build upon these practices. Moreover, within six months after the transaction closes, Charter will introduce a new low-income broadband service, which will enhance Bright House Network's existing Connect2Compete program by raising speeds and expanding eligibility, while still offering a discounted price. This program, which will be offered in Hawaii, can enable many more families and children access to the tools they need to succeed in today's digital world.

III. CONCLUSION

In closing, upon approval of this transaction, the people of Hawaii can expect increased technological capabilities, faster and more widely available Internet service, a robust commitment to customer service and community initiatives, and enhanced competition for business services. I speak for everyone at Charter when I say that we are excited to serve the people of Hawaii and become a part of your communities.

From: Kathleen Connors <koolauloayouth@gmail.com>
Sent: Friday, September 25, 2015 4:28 PM
To: DCCA Cable Television
Subject: Strong Support of Olelo & PEG Access

Aloha Distinguished members of the DCCA,

I strongly supports continuing 'Olelo Community Television, PEG Access and the continuation of 'Olelo's charter to serve our communities. As an 'Olelo producer and teacher I have seen first-hand how 'Olelo has benefited our Communities and youth on the North Shore, Ko'olau Loa and Windward. 'Olelo benefits our:

1) YOUTH :PEG Access allows several of our Public Schools and youth around the island to have Digital Media Programs, when otherwise they would not have access to the equipment and training.

At the 'Olelo Media Center in Kahuku Intermediate & High School, hundreds of youth learn 21st Century Digital Media skills. Kahuku is a lower-income, Title I school, but with the help of 'Olelo the students have won several top Video award. Many rural students are hands-on learners, and 'Olelo training gets them excited about learning and their education. Without Olelo's PEG Access program, Kahuku High & Intermediate School would not have a Mini-Studio and access to Film & TV equipment and training. Several of the film students from 'Olelo Kahuku have now gone on to college- and two of them work in the Digital Media department at Windward Community College. The 'Olelo Windward Center at King Intermediate is partnering with their Digital Media class. Students are able to learn this valuable technology thanks to 'Olelo. and King students have already been winning video awards too.

2) NEWS in RURAL AREA. Our local TV News Networks frequently do not cover many issues out in the Country. Often the reporters tell us that it is too far to drive out and back, and make their deadlines. 'Olelo Kahuku and Windward allows us to report important news events in our area that would do not see on the evening news

3) CULTURAL EVENTS: Our North Shore, Ko'olau Loa and Windward areas have many diverse cultures and communities important to the fabric of Hawaii. 'Olelo PEG Access and multiple CMCs allows a Voice for our different ethnic Communities.

Thank you for continuing 'Olelo's PEG Access and Community CMCs. 'Olelo has been an invaluable asset for our Youth's education, and for informing our Communities of News Events, and for sharing and preserving our many Cultures in Hawaii.

Sincerely,
Kathleen KC Connors

"God is with you wherever you go." Joshua 1:9 (esp in the Country)

**** 'Olelo Kahuku has filmed unique, important Community events in Ko'olau Loa & the North Shore**

Our students learn 21st Century Digital Media skills at 'Olelo Kahuku. Without Olelo's PEG Access program, Kahuku High & Intermediate School would not have a Mini-Studio nor access to Film & TV equipment and training. Our youth have been able to develop his gifts and talents with the support of 'Olelo.

From: Brian & Kaye Walsh <brianandkaye@walsh.net>
Sent: Friday, September 25, 2015 3:58 PM
To: DCCA Cable Television
Subject: Olelo at Kahuku

I support the 'Olelo Media Center at Kahuku Intermediate & High School.
This is a very valuable resource for the community and also for students at the school.
Don Sand is an absolute gem. It would be a disaster to lose him or the 'Olelo Media Center.

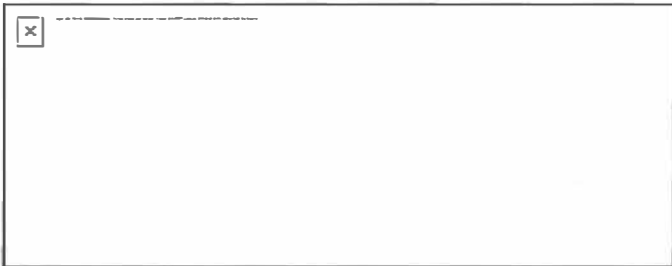
Best regards,
Brian Walsh

From: HI Laborfest <laborfest.hi@gmail.com>
Sent: Friday, September 25, 2015 2:58 PM
To: DCCA Cable Television
Subject: Testimony

My name is Leslie Lopez, and I am on the LaborFest Hawaii board.
I am writing for the following reasons.

1. Urge the Department of Commerce and Consumer Affairs to ensure that Charter will adhere to the terms of the present franchise agreement currently in effect between Oceanic Time Warner and the State of Hawaii .
2. Please continue supporting PEG Access. 'Olelo has been a benefit to my family and students, LaborFest Hawaii thought it important for the DCCA to know what a critical service Olelo provides, including use of video as curriculum in college classrooms, as they make a decision on transferring the cable franchise to Charter.

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LaborFest Hawai'i
PO Box 283201
Honolulu, HI 96828
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Oren Tsutsumi
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CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 25 P 3:57

RE: Testimony on the Application for Transfer of Cable Television Franchise and the Federal Communications Commission Form 394 both filed on July 15, 2015 (collectively, the "Transfer Application") by Time Warner Cable ("TWC"), the parent of OTWC, and Charter Communications, Inc. ("Charter") for the transfer of control of OTWC's Hawaii cable franchises, at the parent level, from TWC to Charter.

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

part one

comprehensively free information is a fabric by which a society measures itself . it's threads of wisdom are woven communally through generations of stories, knowing trends of thoughtful patterns of the past, flowing within a tradition of complete and utter trust towards a commonly shared garment which clothes the many . however, that which clothes and indeed shelters all seems to struggle to clothe properly just one . they are hardly a measurable scant marginalized scraps if any when donned by an emperor . not nearly the robes of empowerment they reflect the sad circumstance of the few attempting to anoint the few, not remembering that the only way to clothe the many as well as they themselves is for we to move in ways as one and better diversity by the generations of stories we sew into them . all as one in one for all not all for none ...

Our circumstance by realities measure is steadied for all to see.

Let us unbind our feet upon the path of wisdom and fill the spirit of our footsteps as is truly open to us, as they may evolve to be.

This must be allowed to follow in the manner of least resistance, to go where it's natural conclusion would logically express itself . we

must truly let the inclination of the many take towards the ways of wisdom to what seems unsurpassed as an option left open to us .

we must not take to the divisive distractions of the pathos of authoritarianism . it tends well to opportunistic investiture of the "Noblesse

Oblige" of an uninformed peoples . let us walk as we intend not as they portend.

we must, everyone take hold of certain pinions of the truth before we find it to extremely inconvenient to do so . when they are not so empowered they are acosted by belligerent machines produced of recidivism, symbolism of dogged habits . lovingly enough, even the oblivious of the walls of dogma, the un-realizing handmaidens of the happily

graftitiing of irony, would laugh most knowingly at the circumstance . it is in the tradition of budweiser, other such self emulation and general gear greasing; things which aid the system to run itself . i should say eventually to ruin itself with bitter casuistic flakes of sad and painful grit . these monuments of self obsolescence work most intensive, to be discarded like fodder at strategic points to deter investigation of such activism, hoping people will think of them as just part of the landscape .

utilize this we must . one of the many circumstances is the fact of our informational infrastructure .

it is built over the ecologies of the lands . most egregiously, it seems to take only the nearest of excuses to initiate the inertia of elitism to perversely per-miss not just a commandeering of the right to squat on an area of what are the sharing and shared upon lands but a commandeering of it as the lions share goes essentially as an exclusive right to themselves .

the least they must do is what is good for the environment and our communities while they are on these lands .

upon a manner of an existence of business, was as it's traditions of business sees it's path, down the lane of convenience crossing and double crossing conspiracy where it may .

a haze of the hedges of Neo Liberalism draws into it's shadows with reference to title of reputation, the wearers of the standards of reform, to consecrate with honorific letters to vulgarity it's stately uncommon foundations . it allows the grounds not to be seen, motivating the HENC, DOE and PBS in their mono-singular in house productions to panicking-ly scream their allegiance on the proving grounds of loyalty . they so strike out with bound limbs upon the public commons if only to prove to themselves they are still there . this is the only proof these collusions of allusions needs .

now, noting fully the audacity of capitalism

the smallest and most miniscule first of steps, in regards to this informational infrastructure, should be based on the facts which must be then physically represented and expressed proportionally involving many aspects of the environment . these steps should be towards the immediate purpose and expression of an informational infrastructure managed by the people in direct, unrestricted, decentralized, diverse, undogmatic, intuitive understandings which free up a more expansive and deeper view of traditional rubric empiricisms . the informational infrastructure should be free . people should be allowed to wire up their own net systems in their neighborhoods and connect freely to existing systems as well .

part of this larger fix in an immediate sense however would involve Community Access Media in the manner of Akakū, Hō'ike, Nā Leo 'O Hawai'i and 'Ōlelo wherein these modes of expression on and off the cable works would be directly controlled by the local

Community . it would be one step taken to allow Community Access Media to be even more in league with it's potential and what it can be in the way of utilizing it's full resources . it should very much have a decentralized form of structure in readied form to deal with the structures of capital and consolidation inclusive of the traditional material sense as well as in the way of expressions, identity, culture, existences and knowledge could be done potentially well . all of these might begin to address the horrors of the assaults on all .

this Oceanic infrastructure was landed here on us because this group or that thought they could make a profit and it would seem they did perhaps soo much so they would have paid off that investment in placing the infrastructure many times over . an empowered people could have built that infrastructure and by now, given the safeguards would have to pay a minimal fee for it's maintenance, perhaps as in other places it would without all of these "complications " just be . Since the group is a capitalist edifice which is addicted to profits in 3 month cycles it would seem to be they would think there is more to be had here at the expense of people... It is too bad we did not have Akakū, Hō'ike, Nā Leo 'O Hawai'i and 'Ōlelo or an infinite amount of models or some other such information gathering resource. It may have added and aided the cause when they came up with this brilliant idea....

part two

"The question 'what is to be done?' as an automatic reflex to every critical thought before it is fully expressed ... recalls the gesture of someone demanding your papers." as mentioned by Doug Henwood in a quote by Adorno

another quote is from Neil Smith . in an interview on a KPFA radio show called against the grain, he mentioned speaking of the adage, "think globally, act locally", it should say rather instead "think and act globally, think and act locally and in the middle as well" .

this is added background which tries to take a larger look at things inclusive of the topic of the merger, the informational infrastructure and the environmental reality of which they and we ourselves are a part . a larger fix and larger approach is implied in the rest of this testimony and any change needs and seems to be part of other numerous changes to be experienced and expressed simultaneously as best we can ...:

can we build our houses using the masters tools

are we recreating the masters house unintentionally with the method the master and others used the masters tools

are these all the options we really have

looking at it from a larger ecological and societal context, the tools would seem to be expressions of the environment and reality and probably can be used . however, it is just that, the masters tools come with the interpretations, precedence, baggage, the way we use

them, what for and the way we define and look at the tools .

it is most often best to leave them be, to be avoided and is very problematic .

it is usually very dangerous and difficult to use them as experienced by a great many in many upon many examples of this . this maybe seen as such especially when the path is taken upon, without really being prepared to explain what the understanding of the varied reality is largely about . this maybe approached in the traditional material sense as interpreted in the countless ways people physically produced material things, distributed them and interacted in the systems of different peoples on and upon many ages in a larger environment . this maybe seen through as well in the way of expressions, identity, culture, existences and knowledge, expressed of a particular ecologic place and the wider of which we all do share upon .

this probably includes endless perspectives in perceiving reality . at this moment too, what should be and what seems as practicability, is also of looming consideration . these are always in the evolution of things and have evolved things greatly in the past and present . first however it is good to ask what possibilities are in the should be . we should bring what is practicable to what should be .

it would be positive to communicate these deep ecological and sociological reasons well and know them well . we of course in a sense know these things on very subtle natural levels . expression of it is key . getting to the basis of what is going on in an overall sense is vital again, it could be argued .

without all of these ecologies of place, ideas and way, we may unintentionally rebuild the masters house or not go as openly and as meaningfully as we may towards an expression of what seems natural . all of this inclusively could be done in priority consistent with the reality in which we all have evolved, everywhere . there is a commonality in that and commonality in ecology too .

we do not want these tools to bring the masters narrative which can result in similar oppressions, a monocultural effort and lack of diversity in the environment . the pressures that we face will already bring centralization, mono singular perspectives and emergency rules in a very authoritarian way . breaking something too without note of the entire ecology and it's history, even at times when if by the best of intentions it is attempted upon and done, may see a fruition in a randomized vacuum bringing terrible constructs which were to be banished or new terrifically terrible mechanisms to replace them . applying an effort on humpty dumpty gluey foundations too, may be a weakly attempt to ameliorate such, what could be called, reactionary acts, done or may be later otherwise known as, as a striking metaphor of the introduction of a proverbial mongoose sort . if there is little understanding of the current system or past ones then there is even more perilous possibilities made manifest by the facts of and in actions, in the unrealizing destroying of the methods which were regenerative or protective of a place .

best perhaps might be the approach to look at the whole history of the ecology of the land and the society of which it is a part and reapply in a way those ways which have an enormous and caring precedence in the form of even seemingly dogma; taking on new ways along with this if they are a part and may become a part of this ecology, as they are or maybe, in a meaningful and whole way .

better in this it might be to take on a diverse approach which has many strengths proven in much of history and resilient . we would not want on the other hand connotations from what is called parochialism, but what after all is parochialism as a whole . are the complex descriptors of the word and it's past etymological patterns with it's comparisons highly inaccurate . should it's very definition change based on these other perspectives which may bring this word to a wider appreciation and not leave it stuck in what has been termed grossly, parochialism . after years of use it might be realized to be in many instances, something which should have not been used in once and again, many instances soo definitively, quixotically and Imperially . really, is it the best word describing the big picture of what is going on and does it do justice to the smaller as well . as well, it could be added here, what could be found as the dominant narratives traditionally found in the domineering perspectives and civilization such as many times found in the Western Colonialist examples, are not to be narrowly looked upon as the epitome of positivity and neither should they be looked upon in the way of these very narratives analysis of other groups traditions historically speaking or in the present . parochialism is often spoken of from such perspectives and from places which are better equipped and hierarchical to commandeer comment of and on such aspects . perspectives of the traditionally oppressed found in Western and non Western narratives, relationships and understandings can follow to be oppressive in similar ways, and found to be like the varying dominant narratives and can emulate these structures, it should be added too . in previous eras those were in many cases the oppressive master narratives as well in their own fashion although always differing in some way in accordance with history . these narratives could include racism, sexism, capitalism, body discrimination, class and many other discriminations .

in our current times the exploitation of the environment and the massive consuming of much, with the physical manipulation of the environment and the production of many things from it, dominates in many ways hierarchically and destroys . a developed description of this process presently dominates from a physical material sense and can be found in many generations critiques of capitalism, racism, sexism, body discrimination, class and many other discriminations . Marx is known for developing a real well formed description of the the capitalist critique and process which is still used to this day . many have developed it even further too, with again inclusions of:

racism;

sexism;

considerations upon gender and sex;

body discrimination;

new definitions of class;

many other discriminations such as dominant hierarchical perceptions;

and

particularly i think, most importantly, the many considerations of the environment and the people of which they are a part .

this system of capitalism along with these intersections emulates among many other things:

class hierarchies of the exploitation of peoples labor by other people;

competition and division between people who share an interest;

destruction and transformation of environs to make a profit;

things which build more things and to accumulate more things;

colonialism;

and

to concentrate and centralize societal structures through such things as monopoly, class structures and countless other expressions .

one thing to add here might be that, among the elite, wealth becomes more centralized yes when compared to the exploited, however it becomes more equalized and evenly distributed among the elite, at least for a long time . the adage the world is now flat comes to mind here . i think however it might pan out that this equalization may become destabilized when there is a redistribution towards the exploited or when capitalists inclusive of the state look to accumulate wealth and take advantage of the equalized situation in the elite, going through a new process of accumulation and comodifying, even more what was thought of in their own elite class as shared and common .

it helps to break it down when using this type of analysis to take on the parameters in addition to the previously included intersections, however it maybe described of, Land, Labour and Capital too . the systems depend upon any number of combinations of these categories inclusive of many others mentioned . it could be added here that through a deep direct and indirect understanding of the ecosystems and society which is part of it, a meaning can be made possible as well as a thoughtful transformative reality . these alternatives and whole new systems are a part of it themselves . also considerations in the deprivation of the categories, in various degrees and combinations, according to the circumstances of the situation, could be part of and by which the current system, through a true militancy with the aim of a new system, achieve a new system . overall, considerations upon knowing such parameters brings great possibilities of postulating many preferred futures and alternatives .

through many heads we may share a more comprehensive vision, live as an expression of the land and use many other tools, besides what is, when used in the domineering societal framework and many many others, with or in limited degrees the very tricky, masters tools and narratives .

part three

in times we understand the existence of what we call reality through being . the moments

upon that experience may allow a contemplative flow towards realization . the streams of consciousness maybe many ways and one and the same . in this manner of perceptions of reality and sights among countless other glances on, we may be and this might be .

society and individuals draw many understandings from sources found in direct and indirect connections to Nature . ours are ones we share with one another as part of the Environment .

free and expansive connections to Nature are some of the meanings by which a society freely measures itself . mediated experiences of observation and experimentation, through certain senses in the process of understanding, in a more bounded manner, usually inclusive of more efforts seeking formalized and immediately physically tangible results, done similar to the traditions of an empiricist fashion are of some of the others . these are more found exemplified in the modern scientific method . however this type can be found in all traditions though not observed, deduced and experimented upon in the same manner using other bounded ways . these other types have come to a more experienced effort towards equalization with the ecology and reflect the traditions of that place and the ecology . they are also part of other traditions and intersections and are less of a prioritizing of physical objectification than of the western mediated empiricist effort .

at present these are the ways we, in part, measure our reality and an contemplative flow towards realization .

the free and expansive connections maybe harder to illustrate in part because they are more intuitive, complex and intermixed . they maybe of an direct, intuitive unhierarchical, unformalized and unmediated type, involving at the same moment with these are other types of perspective and being, with links of reason and experience, inclusive of observation and experimentation in a harder to define and less traditionally done in the modern scientific way . alongside these are included in the traditions what may have commonalities with the slightly more empiricist approaches as applied however with different motivations, expressions and modes of reasoned deduction, experimentation and observation with a different emphasis of speech, feeling, touch, taste, smell, hearing, seeing as well as other observations of reality . again, these have long histories in ecologies and in societies of which they are a part .

many deemphasized these and many other types of these kinds of connection in the past because it was seen as too close to the hegemonic hierarchies, mediated through authority and restricted by interpretation of experts in the powers emanating from regions during feudal times as seen in the Church and State; namely expressed in Religion . it is of course different too and it is harder to standardize and sometimes in a way is something which systems would find it too hard to standardize . spiritualism was the other more intuitive approach . many build links of reason through this connection and understanding of which has many many years of precedent and is a part of the ecology .

when it comes to non modern western scientific reasoning intermixed with culture and other traditions, in the way of a type of empiricist science based on other expressions other than

writing which is of reasoned deduction, experimentation and observation with a different emphasis of speech, feeling, touch, taste, smell, hearing, seeing as well as other observations of reality, they once more it may be added, have long histories in ecologies and in societies of which they are a part . these try not to separate as well nature from society and intermixes spiritualism and more direct intuitive ways in the approaches . however so too come the realities of past mixing of centralization and intermediaries which have very real and important roles there, but have processes which could in ways, hopefully find another different observance in many ways through their deciding of things, in their traditions, through application of historical precedent of at times a more decentralized view .

these larger perspectives are soo invaluable and incredibly describes so much . it can help all to live and experience truly as part of the ecosystem .

the other connection to Nature maybe one grossly termed as an approach again, that is an emphasized mediated experience of observation and experimentation through certain senses, towards a process of understanding, done similar to an empiricist fashion . this particular type of perception based on a certain comparatively limited group of senses in the practice of observation and experimentation, done in a very particular manner similar to what is known largely as again, the empirical way, is what most consider one of the key points in the modern scientific method . it is through this way that many understand the world and develop the links of logic which form reason .

these precisely bounded and limited empirically founded and then reasoned type of connections to Nature, which maybe indirect, hierarchical, formalized and mediated links of logic, which could be done through in a manner as a direct physical experience utilizing of a grouping of senses towards observation and experimentation, are again one type . another kind again, maybe harder to test in the same hierarchically bounded way and harder to understand in the same manner and is more complex . it is intuitive . many times too it involves reason and what maybe thought of as traditional modern reason and understanding in this same manner as well as countless other relationships and expressions as highly complex as the endless realities in the ecologic of a place . it works within and is expressed and understood as part of a larger .

the modes and circumstances through which we share them in that ecologic are vitally important . our shared informational infrastructure is an important part to this and has been so in it's many forms, in different times and evolutions of the environment, individuals and society as one .

the undogmatic, direct and intuitive understandings exist and are expressed as they maybe and also free up a more expansive and deeper view of traditional rubric mediated process to understand realities in a type of empiricist technique and the different approaches to understanding of the traditional reality . this along with the same traditional view of reality usually again, seen through the mediated, indirect and in the immediate traditional physical view of direct experience of observation and experimentation and a type of effort to a type of empiricist technique as many times expressed in the modern scientific method, at this time,

are the very fabric by which a society meaningfully measures itself .

at present gatekeepers, experts and authoritarian figures place themselves, as even further intermediaries between the traditional rubric mediated process to understand reality, as expressed as connections to Nature and understanding of society . they use the mediated experience of observation and experimentation through certain senses in the process of understanding traditional scientific things through empiricism, as a weapon of sorts . they say what is the truth; essentially . in the past and in the present too some misunderstanding or abuse of understanding has occurred, which could have been perhaps because of too a disorienting in the more intuitive approach . these approaches are developed by many inclusive of the environment for many years especially from a people of a place .

there is an abundance of hierarchical and bounded, rubric, mediated experience of observation and experimentation through certain senses in the process of understanding reality type of sharing already, in proportion to the other type previously mentioned, among intellectuals, scientists and people who try to reason what the reality is about . certain concepts are unfairly forbidden . and they do not produce an immediately direct connected fruit to observation and experimentation . in this process, terribly, things are dismissed and whole ecologic systems which are harder to understand which have been around in the ecosystem and are interpreted by people in part there are thrown to the side with little humility or worry .

elites make the mediated perceptions even more hierarchic and dogmatically bounded . when mixed with capitalism and authoritarianism, objectification and a type of materialism, this increases the dogma greatly . the system then concentrates on producing more just to produce more . it fetishizes things more . it emphasizes certain parts and narrowed perspectives supportive of this reality, which is bad for the ecosystem as a whole and the concepts of an intermixed ecosystem which is interdependent shared and complex in many ways . there are many regenerative processes and free flowing energies and basic relationships which have developed over a very long time in ecosystems .

elite rule again, places itself as an further intermediary here and makes an understanding of things even more indirect . one has to go through them they say . misinformation from that of elites add to the confusion here in their differing approaches too .

we see these dynamics played out in the traditional material sense, again as interpreted in the countless ways people physically produced material things, distributed them and interacted in the systems of different peoples on and upon many ages in a larger environment . this can include in it and be quite distinct from as well the traditional material sense, in the way of expressions, identity, culture, existences and knowledge . we see this too in the direct very complex connections to reality and the environment inclusive of spiritualism .

examinations and critiques of hierarchical and dogmatically bounded, rubric, mediated experience of a type of Aristotelian observation and experimentation through certain senses

in the process of understanding realities, can and have in the past, such as promulgated by the powers during feudal times, namely that of the Church and State, produced wonderful new paradigms . they developed the empirical perspective with regards to those links of logic for mining of reason and tested them out in this manner . there were probably other perspectives which were thrown away from the old system which had lasted for centuries (albeit the one used many times egregiously and oppressively) at the same time, which were hard to quantify or overlooked and important to the ecologic system . it did not fit into the new paradigms and perhaps they were unprepared to be examined accurately .

they the creators of these incredible and valuable new paradigms too though, had their own dogmatic, rubric like, type-perspectives as a result of the particular links of logic in the deconstruction of the restrictive mediated perspectives and the formulating of the new paradigm . these in the past were perhaps come upon at a time of triage and battles of survival with other paradigms .

to add here: modern western science for example is quite valid and a miracle . the link science builds upon and many of it's expressions physically realized through great links of wonder are important and we need these . perhaps it should be added, there were practicalities here to most starkly come to deal with and unique moments of history such as seen with the invariatiated hierarchical oppressions which obviously evolved things in modern western science . it was hard to be encompassing of soo much in other traditions of reason, for it probably developed, as with many things, in fits and starts and in the face of many competing structures, some of which outright probably tried to envelop it totally . reason and modern western scientific observation and deduction can be experienced and expressed through other traditions, however there are as we have seen, other effects and great horrors fraught with great peril as a part of the capitalist system and other dominating expressions . also an emphasis of total deconstruction and objectification does not allow at times too other larger encompassing perspectives that are hard to quantify .

this too can be bad in the comparative representations and in the misunderstandings of the less than modern empiricist traditional ways other traditions do things . they can be very complex, hard to understand, almost unendingly complex and highly interdependent . it is hard for the modern scientific empiricist type techniques particularly when constrained by circumstances and dogma to really understand the many other perspectives and ways of the environment . spiritualism and a direct understanding of reality in the ecologies were thrown to the side unfairly and with little humility .

however, another way could have been chosen and may still be yet taken . it is i think, still in the process of doing so .

many theories and seemingly new paradigms were evolved and quite different for their time but were still dogmatically rubric when looked upon in many centuries of perspective . some made pronouncements within these astounding new paradigms that one should not go beyond them in a very dangerous journey into certain areas . they were forbidden in the relationships to other concepts one would not even touch . these were later developed and

evolved . some of those forbidden areas were found to be more complex and inclusive of so many other things found for example in direct connections to reality instead of those through intermediaries . spiritualism and it's comparison to religion and the treatment of the 2 by enlightenment scholars as things to be forbidden in an wholesale fashion, with less to build upon, can be said to be an examples of these . it was also part of colonialism too later and there was this influence in the drive of the new paradigms view . again in considerations in this mix are the real political trealties and predominant perspectives . also there are considerations of stratagem and what people see as practicalities .

the separation of Nature from space and Nature from society is important to consider here as another example of an restrictive perception . an objective view of Nature being separate from people was emphasized for the many upon many of reasons . it was again strongly emphasized before during the struggles of the enlightenment and especially during the establishment of capitalism . featuring the physical body as a group of members with a different view of the body as a whole than that of previous times is one example . Descartes did this for again very important reasons and to understand things through deconstruction in an unique manner . however his great works along with other authors such as Kant deemphasized and in the new establishment of their theories, made forbidden others later, which were very much invaluable and very deep in their links of logic forming reason . it also was used at the head of much oppression on very important perspectives, environments and people . capitalism though prioritized things in a material sense and is about consuming, oppressing and soo many other descriptors . one among them is again the damaging manner in which it was in the objectifying of things . forgotten were again, the undogmatic, direct and intuitive understandings of reality and the environment . some of these are forbidden or inaccurately described under an restrictive empiricism . some were again tied to other hierarchical constructs which were gotten rid of before they could be understood or seen as a whole and found to be important to a place and in many ways not seen accurately .

instead were emphasized many, albeit among some wonderful and thoughtful paradigms in modern western science and capitalism, the indirect intermediary restrictive perceptions .

there are obviously many other traditions . one among many of these is the Chinese Confucian or Taoist manner of a realization and experience of Nature, it is more of an subjective example for instance .

the restricted sharing of societal information from many perspectives inclusive of the material sense, is in part, about capitalism and it's expressions as a whole with it's consolidating of power to make more profit and to further enforce the hierarchies of class, accumulation, domination, exploitation, oppression, destruction and so many of the narrowed descriptors of terrors which abound . racism, sexism, body discrimination, other discrimination and capitalism adds its restrictions on what is approved and plays alongside many of the same dogmatic and restrictive empiricisms .

the cable and telecommunications restricted and hierarchical infrastructure is a readied

example of these terror constructs .

the infrastructure is largely guided by these paradigms and in the material sense inclusive of again, racism, sexism, body discrimination, objectification, other discrimination, elite rule, networked AI capital and the capitalist state . although it really does not outwardly express this or even treat it in accordance to it's importance even in the manner of prioritizing outwardly, it is also almost totally deependent on the environment in the material sense and is much so depends on this, in it's perceptions of reality . adding more capitalism inclusive of the other intersections and the overrepresented paradigms already broadcast most everywhere is idiotic .

with regards to the most immediate question however, in the traditional material vulgar marxist sense, in terms of this merging of capitalist forces with a small admixture of the capitalist state at this time, it could with this imminent merger, find new ways to extract wealth and draw things which were formerly free and shared into the market economy . accumulation is the term of finding new markets and squeezing what was formally free into the profit margins . again, Land, Labor and Capital are some of the considerations here especially when dealing with capitalism . it could too, being a cable company, broadcast and reiterate the same narratives of the markets of choice in hundreds of ways to redecorate with a paint job upon the masters house and makeover the story with remedial media efforts .

bringing into the informational infrastructure as seen in this impending merger, the paradigms of more capitalism, racism, sexism, body discrimination, other discrimination and intemediary dogmatic empiricism's which are ignoring of or leading to consuming and destroying soo much, is stupid . this is what this merger represents .

the leviathan represents itself quite easily enough without more feed to it . in the triage of understanding people are encouraged to participate in, in this infrastructure we forget the other more direct, without authoritarian intermediate sharing and whole manners of relating what is .

these are reflections of the healing regenerative natural processes in Nature which help and allow the natural precedence of the expressions of the environment express themselves . this expression can be encompassing enough to refocus change and evolve even a leviathan or make an environ even for a leviathan to exist in harmony .

it is absurd we do not just allow this natural expression to just be . there are efforts everywhere of this, many do attend upon . the fear and destruction of the hierarchies seem to try to try to limit these and say their ways are forbidden .

people are, can state and participate in other ways to move things to what our informational infrastructure should be in a larger sense . it can be as the Greek-French philosopher Cornelius Castoriadis mentions. (Question: Are you a revolutionary?) Castoriadis: "Revolution does not mean torrents of blood, the taking of the Winter Palace, and so on. Revolution means a radical transformation of society's institutions. In this sense, I certainly

am a revolutionary." (from "The Revolutionary Force of Ecology") .

informational infrastructures should be managed by the people in a larger system of a radical transformation of society's institutions, without all of the previously stated terror constructs .

society and individuals in Nature draw many understandings from sources found from free and open, direct informalized unhierarchical intuitive and indirect hierarchical formalized mediated empirical-type connections to Nature . ours are ones we share with one another as part of the Environment free and natural flow .

part four

Community Access Media can be a great expression and help . it can be decentralizing . many benefit from Community Access Media . Community Access Media is always under duress and there are always efforts to water it down . they are made now to absurdly have to raise some of their own funding in fact and charge more for services instead of receiving their potential funding of up to 5% of cable revenues as decided by the Executive Branch of the fakestate .

some other considerations involving the informational infrastructure:

Informational Infrastructure Capitalists probably routinely hand over individuals and groups information to the Capitalist State .

an individual has few real ways to figure out if they are getting the bandwidth, transmission quality, fast broadband Internet speeds and MVDS/OTT services .

rate transparency, service level agreements . Internet Protocol TV delivery of multichannel distribution of video content Over the Top (OTT) maybe used to degrade funding of franchise fees for Community Access, Community Communication and immediate considerations at present of cable regulation .

this capitalist system does not carry PEG and other cable infrastructure on internet devices at the same time more and more info is carried on other things than TV to cable and cable to tv . many devices are now mixed in with tv . New Charter will be making a lot of it's video channels available on the cloud so it is already mixing cable and internet . it may not bring over PEG into this cloud in the informational Infrastructure .

people are probably prohibitively persuaded by prohibitions legally to not take on building of their own internets in their own neighborhoods like these huge companies . copyright by these companies and legal issues might endanger such projects from Cable Capitalists .

Pixel resolution and encoding rate are very low for PEG access and the cable companies are not required to give PEG full HDTV quality or beyond it . they are not allotted to use full

digital channels for all their channels .

any legal fees and legal acts from the capitalist state on any PEG are should be funded by the state . these suits can make things prohibitive and can stop actions .

capitalist cable companies do not provide viewership numbers which is ridiculous .

PEGS number of channels decrease regularly

HENC, DOE, PBS, UH and presumably other organizations take up PEG access fees somehow when they were mandated for PEG . PEG gets because of this even more of a small sum .

absurdly the PEG Access boards are made up of mostly, capitalist company leadership which does only represent the elite in terms of class structure . they are already well represented in the board . individuals and groups other than the bosses are not represented well at all .

this 20 year licensing agreement is long in time and is awful .

from DCCA liscense agreement application by New Charter:

question from IV. QUALIFICATIONS, E, DCCA in part:

"The following specific additional information is requested, regarding current and planned system design and operations:"

"10. Public. Educational. and Government Access

a. For the PEG Access Transmission and Distribution Network, provide information on the following:

- i. Capacity, design, technology, performance, and architecture;**
- ii. Interconnection and technical support;**
- iii. Construction plans; and**
- iv. System monitoring and maintenance.**

b. Provide Applicant's plan for funding::

- i. Access operating fees; and**
- ii. Capital Fund payments for access facilities, equipment, and channels.**

c. State Applicant's proposed plans for PEG access including, but not limited to: (1) number of PEG access channels, (2) High Definition PEG channel content, (3) live programming capabilities, and (4) statewide VOD programing."

New Charters Response:

"New Charter's acquisition of control of OTWC will not affect OTWC's obligations under its franchise agreements and New Charter does not have any current plans to make any changes. 29"

footnote 29 "see note 13"

note 13

"Charter and TWC respectfully submit that the information requested by this item is not within the DCCA's scope of review related to the Application in that such information is not reasonably necessary to evaluate the legal, financial, and technical qualifications of New Charter to become the new controlling parent of OTWC."

**from DCCA licensing application by New Charter
under II GENERAL INFORMATION**

"G. Summarize changes, if any, that Applicant will undertake or is proposing to the Hawai'i cable system(s) for which this Application refers to over the next ten (10) years and, in particular, specifically discuss the follow areas:

- 1. Consumer demand and needs for services, technological advancements (including migration to all digital high definition systems); and diversity of programming;**
- 2. Public, educational, or governmental ("PEG") Access support, physical plant and equipment, subscriber services, government services, institutional networks ("INET"), broadband services, and reporting requirements, for the cable franchise(s);**
- 3. Upgrades to the network infrastructure to support residential or commercial voice, video, and data services;**
- 4. System operations, including but not limited to, billing practices, personnel, technical oversight, call center locations, physical location of books and records located in the State of Hawai'i, and consolidations;**
- 5. Increases/decreases to rates for subscribers services; and**
- 6. Anticipated relocation and/or the vacating of existing facilities"**

in answer to PEG in no. 2

"It is not currently possible to provide specific details on possible subscriber service or systems changes over the next ten (10) years. Charter has not had an opportunity to review the systems or their operations and accordingly it is premature to establish specific plans regarding the itemized matters

the impending merger is absurd .

part five

now here are some intermediate suggestions and some more longer termed ones, both on the way and in the context of a larger effort to free: expressions, identity, culture, existences and knowledge and lessen: the restricted sharing of societal information from many perspectives inclusive of the material sense, capitalism the hierarchies of class, accumulation, domination, exploitation, oppression, destruction and so many of the narrowed descriptors of terrors which abound . racism, sexism, body discrimination, other discrimination and capitalism adds its restrictions on what is approved and plays alongside many of the same dogmatic and

restrictive empiricisms .

do not allow the merger . it would hurt tactically and perhaps strategically the environment and people who are a part of it .

develop technology or use current ones which would allow a turn over of control of the informational infrastructure to all individuals and treat this concept like an ecosystem in which people live and of which people will maintain for they live in it and need it . in the immediate tactical sense neither DCCA nor anyone else should be allowed to lessen funding as paid by the Cable Company in the way of franchise fees to PEG Cable Community Access . this should be so unless the system is transferred to local individual control with individuals each determining their part of the informational infrastructure connected together to the rest of the grids . maybe a pulse type system which sends and receives, in some technologically manageable way, without gatekeepers, every bit of info to everybody else on the informational infrastructure . this method could be used rather than a star based centralizing system which goes through points then to the rest . this system would give control to the individual what they want to receive and what they do not of course .

It takes a Biosphere as a whole to float harmoniously in the vacuum of space almost as though it were meant to be. To even toy with an act of summoning the logic of the vacuume or further to even attempt to act as though we are in one whilst in an interconnected Biosphere is an act and thought of quintessential silliness and hubris in the extreme..

**Mahalo
Oren Tsutsumi**

From: Kit Grant <tiktnarg@gmail.com>
Sent: Friday, September 25, 2015 12:49 PM
To: DCCA Cable Television
Subject: Testimony: Charter Communications

Aloha,

I join many other advocates for community television in urging the Department of Commerce and Consumer Affairs to affirmatively ensure that Charter Communications will adhere to the terms of the present franchise agreement relating to PEG channels currently in effect between Oceanic Time Warner and the State of Hawaii.

Continued investment in the unique services of PEG access is a worthy thing. PEG programming and the opportunities it provides for diverse communities is a wonderful, democratic exercise of the First Amendment. I have had the opportunity to have two events professionally produced through 'Olelo (an interview with Daniel Ellsberg of Pentagon Papers fame in 2010, and most recently, in 2015, an interview via live video link with NSA whistleblower Edward Snowden). 'Olelo participation dramatically increased the reach and impact of the programs. For Snowden, 'Olelo technology allowed us to livestream to the Internet and via Hits, which, combined with using social media for questions, set a new bar for a highly interactive, live statewide event. We would never have been able to afford this technological footprint for the event if not for PEG programs and funding.

'Olelo productions are tight, professional and bring diverse voices to the table. The Cable franchise for Hawaii is an important near-monopoly contract that offers tremendous ability to profit to the holder. Thank you for also making sure that free speech, community voices, access to education and government programs for all are protected, upheld and advanced in this transaction.

Sincerely,

Kit Grant

From: nina nguyen <nguyennina@yahoo.com>
Sent: Friday, September 25, 2015 10:19 AM
To: DCCA Cable Television
Subject: DCCA -Testimony

Dear Sir/Madame

I, Nina Nguyen Castagnetti, have been a producer of a non-commercial VN-TV via Olelo Community Television for 18 years.

My testimony consists of two things:

1- Charter should honor and adhere to the terms of current franchise agreement in effect between Oceanic Time Warner and the State of Hawaii.

2- My devotion of time, money and effort, with the help of my family members and wonderful friends and of course from the terrific support of Olelo Community Media, is not in vain. For 18 years, we have over 450 episodes focusing on developing, enriching, promoting ...the values and community's strength. All together we've built and reshaped not only Vietnamese but also other communities. Without the Olelo Community Media, people of Hawaii will never have any way to benefit of being a "freedom of speech".

Thank for your consideration.

For further information, please contact:

Nina Nguyen Castagnetti
nguyennina@yahoo.com
808 366-4543

Sent from Yahoo Mail on Android

From: Andrea Anixt <andreapeatmoss@gmail.com>
Sent: Friday, September 25, 2015 10:01 AM
To: DCCA Cable Television
Subject: Ka'a'awa Community Association member(s) support the Olelo Kahuku facility and PEG Access there.

Aloha,

This is an important location for the students and community surrounding Kahuku High School. We need this exposure to media skills and equipment, in Ko'olauloa. The better paying jobs in our moku are often filming industry related.

Please be sure it stays open into the future.

Mahalo,

Andrea Anixt
Ka'a'awa Community Association
Board of Directors member

CABLE TELEVISION DIVISION
DEPT OF COMMERCE AND CONSUMER AFFAIRS

September 25, 2015

2015 SEP 29 A 8:45

Ms. Catherine Awakuni Colón, Director
Department of Commerce and Consumer Affairs
Cable Television Division
P.O. Box 541
Honolulu, HI 96809

Attention: Ji Sook Kim
Cable Television Administrator

Re: Application for Transfer of Cable Television Franchise by Time Warner
Cable to Charter Communications, Inc.

Dear Ms. Kim:

Hawaiian Telecom appreciates the opportunity to provide written testimony on the Application for Transfer of Cable Television Franchise filed on July 15, 2015 by Time Warner Cable ("TWC"), the parent of Oceanic Time Warner Cable LLC ("OTWC"), and Charter Communications, Inc. ("Charter") for the transfer of control of OTWC's Hawaii cable franchises from TWC to Charter.

As you are aware, in July 2011, Hawaiian Telecom launched the first landline-based competitive TV service offer in Hawaii. We are pleased to report that the response from Oahu consumers to our TV service has been extremely positive. We receive many comments about the advanced, feature-rich, and easy-to-use Hawaiian Telecom TV service, but most notably, customers express gratitude for finally being provided with a viable choice. We are concerned, however, that if the Charter/TWC merger is allowed to go forward without adequate conditions, it could be used to constrain effective competition in Hawaii in both the video programming distribution and wired broadband markets.

Hawaii's unique construction and logistical difficulties in deploying communications infrastructure (e.g., serving separate islands) greatly magnify the ability of Charter/TWC to take anticompetitive actions that could hinder the ability of Hawaiian Telecom or others to compete. Any such actions would have a more dramatic impact in Hawaii than the continental U.S. because Time Warner Cable is the monopoly provider of video services in the state of Hawaii due to Hawaii's unique geographic issues that make it difficult for over-the-air broadcast TV and Direct Broadcast Satellite ("DBS") services to compete effectively. Time Warner Cable has used its monopoly market share in the video services to gain a monopoly share in the wired broadband market in Hawaii.

In order to protect consumers and encourage effective competition, Hawaiian Telcom strongly advocates that the merger be closely reviewed and conditions be imposed given Hawaii's unique geographic location, TWC's current monopoly market position, and the added market power of the merged Charter/TWC.

Hawaii's Unique Video Programming Distribution Services Market

Broadcast TV is used as the primary source for video reception in only approximately 5% of the households in Hawaii, and in an even a smaller percentage of households on Oahu. Hawaii's mountainous terrain makes it technically difficult and extremely costly to provide adequate over-the-air broadcast TV signals to Hawaii's consumers. In addition, the higher density of Multiple Dwelling Units ("MDUs") in Hawaii means that the placement of roof antennas is not an option. As a result, without a Multichannel Video Programming Distributor ("MPVD"), a large percentage of Hawaii's residents are unable to get a full complement of the network TV stations – ABC, NBC, CBS, FOX, and PBS.

Dish and DirecTV have a combined market share of only approximately 11% of the households in Hawaii and even less on Oahu compared to a combined approximately 30% market share for households in the rest of the U.S., according to the FCC's 16th Video Competition Report ("Report") dated July 15, 2013 (see Appendix A). Hawaii's remote location results in a weaker satellite signal, which increases DBS installation and service costs because larger dish receivers are required. In addition, rain fade problems are more prevalent in Hawaii due to the lower angle of the satellites on the horizon. The higher density of MDUs in Hawaii also makes DBS less viable for a large percentage of households.

TWC has leveraged Hawaii's unique geography and the high density of MDUs, many of which TWC has exclusive contracts to serve, to establish a monopoly position serving approximately 76% of total households in the State of Hawaii, compared to cable's nationwide share of approximately 47% of households based on data in the FCC's Report.

Hawaiian Telcom's Entry into the Video Programming Distribution Services Market

In July 2011, Hawaiian Telcom launched paid video programming services on the island of Oahu. Hawaiian Telcom has approximately 31,000 customers in total or 7% of total homes in Hawaii (10% on Oahu); by contrast the merged Charter/TWC will have almost 17,300,000 customers nationwide.

TWC leverages its sole source agreement and its production resources for regional sports into a significant competitive advantage in the Hawaii market. OTWC produces and broadcasts amateur Hawaii high school sports on a live basis but unlike University of Hawaii sports, TWC refuses to allow Hawaiian Telcom to purchase this programming at fair market rates, thus preventing Hawaiian Telcom from offering this highly valued programming to its customers.

OTWC has also flexed its power in the Hawaii market by refusing to allow Hawaiian Telcom access to purchase Nippon Golden Network (NGN) 1 and 3 and Oceanic SURF channel.

Hawaii Wired Broadband Market

Leveraging its video share by offering aggressive bundling offers, TWC is also the dominant provider of wired broadband service in Hawaii with approximately 69% share of consumer broadband households. Hawaiian Telcom has approximately 25% of consumer broadband households with another 6% served by other providers.

Charter/TWC will gain significant market influence for wired broadband equipment – both for use in the core network as well as in the home. Charter/TWC can also leverage the use of the content that it owns to provide a lower cost, high value, differentiated over-the-top offer to its subscribers, which is not available to other competitive video providers.

Merger Specific Harm

The merger could further exacerbate the monopoly power of Charter/TWC in the Hawaii market and lead to anticompetitive behavior. Charter/TWC could gain an unfair competitive advantage in the retail market by being able:

- To leverage additional market power and joint purchasing power for programming to obtain discounts which will not be available to competitive video suppliers
- To produce additional unique programming content and not offer this content to Hawaiian Telcom or other competitive providers
- To enter into exclusive arrangements with content, software and hardware providers thereby restricting Hawaiian Telcom's access to critical content and equipment needed to effectively compete in the Hawaii market

- To use access to over 17,300,000 customers to generate revenue from ISP content providers such as Netflix, providing a cost advantage over competitive video providers

In addition, Charter/TWC's size and dominant national footprint could also allow it to expand current and form new exclusive contracts with installation and construction contractors, whose availability in Hawaii is already limited. This would impede Hawaiian Telecom's ability to timely expand its fiber optic network and delay its customer installations while providing Charter/TWC additional time to sweeten its retention offers.

Merger Specific Conditions

Hawaiian Telecom strongly advocates that the following conditions be imposed, should DCCA decide to approve the proposed transfer application, in order to protect consumers and to ensure competition is not stifled by this transaction:

Require access to programming

- Provide Hawaiian Telecom continued access to network content and programming contracts for RSN networks and all University of Hawaii sports
- Prohibit exclusive programming content arrangements specifically relating to all amateur Hawaii high school sports and require Charter/TWC to provide other MVPDs in Hawaii including Hawaiian Telecom access to amateur Hawaii high school sports on a live basis at fair market rates
- Prohibit exclusive programming content arrangements with non-affiliated and affiliated content providers and ensure that MVPDs in Hawaii have access to all Oceanic SURF channel and all NGN programming in addition to Discovery Communications Inc. programming (e.g., Discovery, TLC, Animal Planet, OWN)
- Extend programming conditions access to RSNs under the Adelphia rule for five years

Ban exclusive contracts

- Disallow exclusive contracts with installation and construction contractors and equipment vendors for video services and broadband services, including access to emerging technology equipment that is critical to effective competition

Prohibit anticompetitive behavior

- Restrict use of revenue shares, "door fees", marketing support and/or exclusive wiring agreements impacting competitive video providers' ability to compete in the bulk buildings/MDU market
- Require Charter/TWC to provide unaffiliated MVPDs with programming at reasonable rates, terms and conditions, subject to compulsory arbitration
- Ensure Charter/TWC does not prevent third party hardware and software providers from offering non-discriminatory prices and terms to other competitors

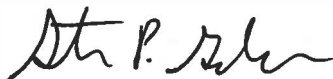
Conclusion

The Charter/TWC merger will further stifle competition and harm Hawaiian Telcom and other competitors in the paid video programming services and wired broadband markets in Hawaii unless conditions are imposed. TWC already holds monopoly shares in both video and wired broadband in Hawaii. The merger would increase TWC's market power and is likely to lead to greater anticompetitive behavior, in addition to existing tactics.

For the foregoing stated reasons, Hawaiian Telcom strongly advocates that conditions be placed on the merger in order to address the anti-competitive concerns, given Hawaii's unique market.

If you have any questions concerning Hawaiian Telcom's testimony, please feel free to contact me at 546-3877.

Sincerely,



Steven P. Golden
Vice President External Affairs

Appendix A

Time Warner Cable Has Monopoly Share of Video Market in Hawaii

<u>Video Subscribers (HH in millions)</u>	<u>2013</u> ²	<u>US Market Share</u> ³	<u>Hawaii Market Share</u> ⁴	<u>Oahu Market Share</u>
Cable	54.4	47.1%	75.8%	72.6%
Comcast	21.7			
Time Warner Cable	11.4		<u>Note:</u> TW Cable is Hawaii's only cable provider	
Cox	4.3			
Charter	4.3			
Cablevision	2.8			
All Other Cable	9.9			
DBS	34.2	29.6%	11.2%	11.2%
DIRECTV	20.3			
DISH Network	14.1			
Telco IPTV	11.3	9.8%	7.1%	10.3%
AT&T U-verse	5.5			
Verizon FiOS	5.3			
All Other Telephone	0.5			
Other: Broadcast TV / OTT / no TV ¹	15.7	13.6%	6.1%	6.1%

Notes:

¹ "% Other" represents the remaining market share.

² FCC 16th Annual Video Competition Report, p60, Table 7.
<http://www.fcc.gov/document/fcc-adopts-16th-report-video-competition-report>

³ Calculations based on FCC 16th Annual Video Competition Report, p60, Table 7.
<http://www.fcc.gov/document/fcc-adopts-16th-report-video-competition-report>

⁴ Television Bureau of Advertising (using Nielsen Media Research data), "ADS, Wired-Cable and Over-The-Air Penetration by DMA," July
http://www.tvb.org/research/184839/4729/ads_cable_market?ads_mkt=89



Chamber of Commerce HAWAII

CABLE TV DIVISION
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
2015 SEP 25 A 10:39
The Voice of Business

September 25, 2015

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

Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the
Indirect Transfer of Control of Oceanic Time Warner Cable LLC

Dear Director Colón,

The Chamber of Commerce of Hawaii is the voice of business in the state. We have approximately 1,000 businesses that employ over 200,000 employees. Our members are involved in many different industries, but nearly all are reliant on broadband technology. We believe the merger of Charter Communications, Time Warner Cable and Bright House Networks has the opportunity to improve service in Hawaii and help our members grow their businesses.

The three companies would come together as New Charter, a positive addition to the telecommunications industry. We look forward to New Charter's plans, and are hopeful that businesses small and large can benefit from the company's commitment to innovation.

Sincerely,

Sherry Menor-McNamara
President & CEO

From: Ocean Eale <oceaneale@yahoo.com>
Sent: Friday, September 25, 2015 8:25 AM
To: DCCA Cable Television
Subject: Keep Kahuku Olelo Open

Aloha DCCA,

My name is Ocean Eale and I'm writing to strongly urge you to keep Olelo's Kahuku Branch Open! Olelo Kahuku has been a source of stability and job training for children in the Ko'olauloa Region. It has provided opportunity for students like myself to create our own TV shows. It has benefited me most personally because it has allowed me to interview our state's politicians. I've gotten many opportunities to grill our local politicians and to hold them accountable for their actions. Olelo Kahuku has given me a voice- an outlet- into the local politics of my community. Furthermore, it has given students an artistic outlet by allowing them to write their own scripts, story lines, and to create something that is completely their own.

To deny this service to the children of the Ko'olauloa Region would only add insult and injury to a region that is already lacking in resources. Please consider keeping Olelo Kahuku running and thriving for more of our children!

Thank You,

Ocean Eale,
Political Talk Story With Ocean
Olelo Community Media, Kahuku Branch.
Kahuku High School 15'
Lewis & Clark College 19'

From: Tamara Martinez <tamara.martinez@librarieshawaii.org>
Sent: Friday, September 25, 2015 8:57 AM
To: DCCA Cable Television
Subject: Support for Kahuku's Film Club

Aloha DCCA,

As one of the librarians at the Kahuku Public and School Library, I strongly support continuing 'Olelo Community Television, PEG Access and our 'Olelo Media Center in Kahuku Intermediate & High School.

'Olelo Kahuku has filmed unique, important Community events in Ko'olauloa and the North Shore including oral histories given by long-time residents who shared about the Kahuku Sugar Mill and life before, during, and after World War II. The Kahuku Film Club also documented of an original program held in the library that included in-depth discussions about Hawaiian Digital resources. Armed with the event footage, I am able to share short video clips of the talks with my fellow library colleagues at an upcoming professional conference. It is essential that we have an in-house team ready to capture rare, original programming that can be used for reference for future generations

The students learn 21st Century Digital Media skills at 'Olelo Kahuku. Without Olelo's PEG Access program, Kahuku High & Intermediate School would not have a Mini-Studio nor access to Film & TV equipment and training. The youth have been able to develop their gifts and talents with the support of 'Olelo and gain exposure to a variety of important community leaders and events. Skills of this caliber will benefit the youth and open many doors for them. Not only are they able to learn how to operate professional-grade equipment and software, but they are able to practice and sharpen their skills with every filming project. Since we are so far removed from town and don't have easy access to extra-curricular technology programs in town, we need to continue to build the capacity of our residents here on the North Shore.

Thank you for continuing 'Olelo's PEG Access and ensuring that our 'Olelo Kahuku remains strong in our rural community.

Sincerely,

Tamara Martinez
Children's Librarian
Kahuku Public and School Library
56-490 Kamehameha Highway
Kahuku, HI 96731
808-293-8935
808-293-8937 FAX

From: K.A. Tracy <kattrackshawaii@aol.com>
Sent: Thursday, September 24, 2015 5:41 PM
To: DCCA Cable Television
Subject: re: Cable Franchise Sale Testimony

Aloha,

I wanted to express my concern and frustration over the impending sale of the state cable franchise. I have watched what looks like inefficiency and stalling on the part of the DCCA historically in its lack of being pro-active on protecting the interests of the public regarding cable franchise licensing and in supporting our PEG franchises. During public hearings for the renewal of the franchise to Oceanic Time Warner many good points were brought up for the DCCA to consider in that process, since the DCCA never completed the process we do not know where they are in regards to incorporating conditions the public brought up. Now, at this juncture, more good points and considerations were made from the public concerning this sale. Where is the DCCA standing? The public depends on you to take up our needs in these matters.

Our public access center here on Maui has helped the public better understand these more complex issues and our rights to ask the DCCA to broker the best deal in our interests. It is no secret that Charter Communications is not consumer focused and has a national negative track record. I have come to understand that a 'transfer of control' allows more leveraging in conditions than an actual 'renewal' of an existing license. Can we trust the DCCA? Has the track record in regards to these kinds of negotiations merit public trust? We will see. I hope we see some affirmative action in favor of the public in regards to this application- incomplete as it stands. If this moves towards a 'contract' I hope to see enforceable terms and real merit for the public.

Governor Abercrombie spoke of Gigabit speeds...will the current administration see this manifest? Here are points I implore the DCCA to mandate:

- 1) Hold their feet to the fire, be sure that requested information in the application is thorough and demonstrates cooperation with the agency. The current application is weak.
- 2) Broadband is now being considered a basic right, like a utility. We are becoming more and more dependent on it for all sorts of services (some now mandatory to do online) and the digital divide will only widen for all of us here in Hawaii without guarantees to fair pricing and enforceable speeds along with widespread access. Minimum speeds should be guaranteed.
- 3) Their commitments need to extend to all outer islands, not vague promises with only Oahu receiving benefits.
- 4) Access to customer service locally with service level agreements that are enforceable 24/7....and more local job creation on all islands.
- 5) An enforceable build out plan statewide over time- limiting the length of the franchise given the nature of how fast technological advances happen.
- 6) Do not allow the cable company to weasel out of their commitments to PEG funding as they vie to deliver video content over the top (OTT).
- 7) Community media centers deserve HD channels as camera technology and consumer monitors are all HD quality...its ridiculous to pass these channels through while 'crushing' them down and effecting the communities viewing experience with this vital content. In fact, it effects the ability of these channels to build a larger audience because of the poor signal quality at the user end.
- 8) Fees to the PEGs should keep up with inflation.
- 9) They must provide free wi-fi to community institutions, including local PEG centers, with live upstream connections.
- 10) There should be a favored nation clause in which Hawaii benefits meet or exceed other markets they operate in on points of the publics needs and interests.

Sincerely,

Kristin A. Tracy
Kat Tracks Hawaii- Video Production Services

From: Susan Yamada <likepoi@yahoo.com>
Sent: Thursday, September 24, 2015 8:58 PM
To: DCCA Cable Television
Subject: Re: O'lelo Studio at Kahuku High School

Aloha DCCA,

I am a community member that has benefitted from O'lelo Studio at Kahuku High School. I have been certified by taking video classes, and I am also a supporter of O'lelo Public Television.

I am aware of many students that have had positive experiences learning the skills that only a video studio and competent instructors like Dr. Don Sand, can offer. Many of the students become interested in journalism and how our government works after doing interviews of our elected officials at the State Capitol, and then editing their work.

The First Amendment is alive and well here, and this programming represents freedom of expression, something to nurture and be proud of!

Best Regards,
Susan Yamada
Hau'ula, HI

From: Paula Flowe <safechildenvironments@gmail.com>
Sent: Thursday, September 24, 2015 3:30 PM
To: DCCA Cable Television
Subject: Spam:Protect PEG access services!

Dear DCCA,

I have been a viewer as well as producer of Olelo Community Media and have benefited from community access by this forum. It is important that Olelo continue to be an unhindered "voice" for "the people" and that the acquisition of PEG access services be protected rather than jeopardized as a result.

Sincerely,

Paula Flowe
SafeChildEnvironmentS@gmail.com

From: Marion Logan-TIFFE <MLOGAN@cfs-hawaii.org>
Sent: Thursday, September 24, 2015 4:13 PM
To: DCCA Cable Television
Cc: Harvey R. Lee-TIFFE
Subject: Written Testimony on Behalf of Olelo Community Media
Attachments: DCCA_Written Testimony.pdf

To whom it may concern:

Please find the attached written testimony in support of Olelo Community Media as Time Warner Cable is being acquired from Charter Communications. We humbly ask you to consider our written testimony with the goals to ensure:

1. Charter Communications will adhere to the terms of the present franchise agreement currently in affect between Oceanic Time Warner and the State of Hawaii.
2. Continued support of PEG Access (Olelo) throughout Oahu.

I will be most willing to address any concern(s) if you need anything or clarification about this written testimony.

Mahalo,

Marion Logan, Youth Development Specialist

Child and Family Services

91-1841 Ft. Weaver Rd.

Ewa Beach, HI 96706

Phone: 808-428-6537

Fax: 808-591-1017

Email: mlogan@cfs-hawaii.org

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91-1841 Fort Weaver Road
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Phone 808.681.3500
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CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 25 A 9 29



Department of Commerce and Consumer Affairs
335 Merchant Street
Honolulu, Hawaii 96813

Dear Director of the Department of Commerce and Consumer Affairs (DCCA),

I am submitting this written testimony in support of Olelo Community Media who is asking that Charter Communications serve the public interest and provide continued support for PEG Access by meeting the required commitments in the existing contract currently held by Oceanic Time Warner.

I work for a non-profit organization called Child and Family Service (CFS) and we have benefitted from working with Olelo Community Media in various capacities. The most notable capacity is that we have partnered with Olelo over the past four summers to deliver a media day camp over ten days (forty direct contact hours) to students. The objectives of the summer medial day camp are to 1) learn media literacy, 2) learn the technical skills to develop a public service announcement, and 3) develop a public service announcement. Over forty students have participated and developed sixteen public service announcements (PSAs) over the past four years that address underage drinking and tobacco use in communities throughout Oahu.

CFS, students, families, and the community have benefitted from our partnership with Olelo Community Media. They have given us a venue, training, and partnership to empower students to address health concerns and provide a safe environment for positive youth development. The Olelo staff has worked closely with students to provide advising and expertise to assist youth in developing PSAs that provide positive messages done with technical skill. Media is pervasive in society and allowing Hawaii's youth to develop media with a positive message enables them to obtain skills and possibly pursue a future vocation in the media field. They have the opportunity to educate and raise awareness about underage drinking and tobacco use.

Please continue to provide support to Olelo Community Media and PEG access for Oahu. Youth, families, and the community at-large benefit from having access to learn and produce media that correlates with shared values. Charter Communications should fulfill the public benefits outlined in the current franchise agreement and cable subscribers on Oahu deserve and should continue to receive the quality PEG Access services that Olelo currently provides.

Sincerely,

Marion Logan
Youth Development Specialist

We're here. No matter what.

Caring for Keiki • Empowering Youth • Honoring Kūpuna • Preventing Trauma • Healing from Trauma



UNIVERSITY
of HAWAII
SYSTEM

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

Garret T. Yoshimi
Vice President for Information Technology
and Chief Information Officer

2015 SEP 25 A 9:29

September 24, 2015

Ms. Ji Sook (Lisa) Kim
Administrator
Cable Television Division
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the Indirect Transfer of Control of Oceanic Time Warner Cable LLC

Dear Ms. Kim:

The University of Hawai'i appreciates the unwavering commitment of DCCA in support of educational access and institutional networks in Hawai'i. Together with our partners at the Information and Communication Services Division of the Department of Accounting and General Services, and the Department of Education, we have been able to deliver substantial public benefits through the INET collaboration with Oceanic Time Warner Cable. The Hawai'i Educational Networking Consortium (HENC), representing the University of Hawai'i, the Hawai'i Department of Education and the Hawai'i Association of Independent Schools, also leverages the beneficial support of DCCA in delivering high-quality educational opportunities for all of Hawai'i's citizens.

Oceanic Time Warner Cable has been an exemplary partner over the long history of the Hawai'i cable franchise agreement, delivering invaluable service and support to public access to education, and high capacity connections to state government institutions, dating back to the early days of broadband internet services. We understand that Oceanic Time Warner Cable, together with Charter Communications, remain fully committed to continuing their support of Educational Access and public sector broadband infrastructure investments to ensure that our diverse and geographically dispersed communities can continue to rely on these benefits for years to come.

We further understand that Charter Communications intends to expand its investment in critical infrastructure and operations consistent with its interests in Hawai'i. This eye to a coordinated effort to upgrade core telecommunications infrastructure is key to Hawai'i's long-term economic growth and vitality, and is clearly in the best interests of our educational community and the public at large.

2520 Correa Road, TTC, 6th Floor
Honolulu, Hawai'i 96822
Telephone: (808) 956-3501
Fax: (808) 956-7322

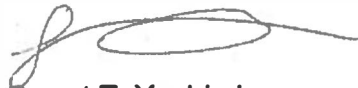
An Equal Opportunity/Affirmative Action Institution

Ms. Ji Sook (Lisa) Kim
September 24, 2015
Page 2 of 2

The University of Hawai'i looks forward to working with DCCA, Oceanic Time Warner Cable and Charter Communications as discussions progress on the matter of the transfer application. We support the transfer application of Oceanic Time Warner Cable and Charter Communications, and look forward to continued support of the broad benefits to public education and government institutional networks established under the existing franchise agreement.

Please feel free to contact me at 808-956-3501 or gyoshimi@hawaii.edu if you have any questions on this matter, or if you would like to engage in discussions related to the subject transfer application.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Garret T. Yoshimi', with a stylized flourish extending to the right.

Garret T. Yoshimi
Vice President for IT and CIO

c: Catherine P. Awakuni Colón, Director, DCCA



CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

2015 SEP 24 P 3:58

OFFICE OF INFORMATION TECHNOLOGY SERVICES

September 24, 2015

TO: Ms. Catherine P. Awakuni Colon
Director
Department of Commerce and Consumer Affairs

FROM: Clyde S. Sonobe *Clyde Sonobe*
Assistant Superintendent and Chief Information Officer

SUBJECT: **Comments Relating to the Transfer of the Cable Television Franchise
from Oceanic Time Warner Cable, LLC to Charter Communications**

The Department of Education ("DOE") appreciates the benefits to the State of Hawaii ("State") that are the result of the cable television franchising requirements administered by the Department of Commerce and Consumer Affairs ("DCCA"). The DOE submits the following general comments regarding the pending cable television franchise transfer between Oceanic Time Warner Cable of Hawaii ("Oceanic") and Charter Communications ("Charter"). We look forward to the opportunity to discuss these as well as other possible related matters. It is the DOE's hope and expectation that the relationships and benefits currently in place between the State and Oceanic will not only continue, but also be expanded and enhanced, upon the successful transfer of Oceanic's franchise(s) to Charter.

Following are the DOE's general comments and requests; we look forward to discussing them in more detail with the DCCA:

- 1) The Institutional Network ("INET"):
 - Provide dark fiber between the following DOE locations, at no cost to the State:
 - (a) Castle High School to Farrington High School
 - (b) Farrington High School to the Queen Liliuokalani Building
 - (c) Radford High School to Aiea High School
 - (d) Mililani High School to Pearl City High School
 - (e) Data Center at Hookele Elementary School to Ewa Makai Middle School
 - (f) Moanalua High School to DR Fortress
 - (g) and additional connections to be determined by the DOE in consultation with Charter.
 - Interconnections of new schools, and existing schools that are relocated to new locations. This could also include DOE administrative offices, and colocation facilities, at no cost to the State.
 - Provide bulk Internet feed to our select data center facilities within the state, at no cost to the State.

- Extension of fiber on school campuses from current Oceanic termination point to locations to be determined by the DOE, at no cost to the State.
 - Provide Wi-Fi equipment and installation services on school campuses and administrative locations to be determined by the DOE, at no cost to the State.
- 2) Expand capacity of existing Direct Internet Access ("DIA") connections, at no cost to the State.
 - 3) Provide free basic Internet service to the residence of all students who are participants in the free and reduced lunch program.
 - 4) Provide free Internet service to DOE teachers and administrators.
 - 5) Continuation of basic cable television service to all DOE schools and offices, at no cost to the State.
 - 6) New technologies. The DOE reserves the right to request access to new technologies that are not currently deployed by the cable industry, at no cost to the State. For example, if Charter or the industry moves to a wireless delivery of service, the DOE, under its INET provision, reserves its right to utilize these new technologies and services provided by them.
 - 7) Continuation of all benefits applicable to the DOE under the current franchise, unless otherwise agreed to by the DOE.
 - 8) Provide equipment and connectivity that will allow closed circuit television capability at all schools, with monitoring from a location to be determined by the DOE.
 - 9) Any and all requests will be completed within a reasonable time frame, not to exceed six months from date of request.

Thank you for the opportunity to provide comments on this matter. The DOE looks forward to detailed discussions with the DCCA on this pending transfer between Oceanic and Charter. Please contact Mr. Clyde Sonobe, Assistant Superintendent and Chief Information Officer, Office of Information Technology Services, at 808-586-3307 for questions or follow up.

CSS:lm

c: Kathryn S. Matayoshi, Superintendent
Enterprise Infrastructure Services Branch

From: Mary Lou Chai <marylouchai@gmail.com>
Sent: Thursday, September 24, 2015 11:09 AM
To: DCCA Cable Television
Subject: Please Preserve PEG Access in Hawaii

Aloha,

I am writing to let you know that I am in support of Public, Educational, and Government channels in Hawaii. I enjoy being involved in community events, but often find that I cannot attend due to bad weather, difficulty in finding public parking at some events, not wanting to deal with heavy traffic, crowds of people, or having to buy a plane ticket to fly to an outer island. I especially enjoy watching local cultural and political events, interviews of citizens, neighborhood happenings, and programs regarding small businesses throughout the islands. I am a cable subscriber, but cable and regular television channels do not provide the in-depth coverage which is currently available on PEG channels. Public testimony, for example, can go on for hours at the Legislature, and I enjoy watching them at home.

I highly encourage the continuance of PEG channels in Hawaii, even with the transfer of the cable franchise, as they are very important to me and my elderly relatives who are unable to deal with crowds, but want to have a "best seat in the house" view of local events.

Sincerely,
Mary Lou Chai



Hawaii Educational Networking Consortium

Hawaii State Department of Education / University of Hawaii

Hawaii Association of Independent Schools

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 24 P 12:47

September 24, 2015

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

Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications
for the Indirect Transfer of Control of Oceanic Time Warner Cable LLC

Dear Director Colón,

I am writing in support of the above-referenced transaction on behalf of the members of the Hawaii Educational Networking Consortium (HENC) representing the Hawaii State Department of Education (HDOE), the University of Hawaii (UH) and the Hawaii Association of Independent Schools (HAIS).

HENC supports the proposed merger of Charter Communications, Time Warner Cable and Bright House Networks into the proposed new company, New Charter, because its members believe that this merger will be beneficial to the students, faculties and staffs of Hawaii's education institutions.

Oceanic Time Warner Cable currently provides significant infrastructure in support of Internet access for HDOE and UH, as well as cable TV access for all of Hawaii's education institutions, including multiple channels devoted to educational programming for both K-12 and university audiences. New Charter has committed to making significant infrastructure investments to ensure that Hawaii's students, regardless of their economic status or geographic location, will be able to participate in the digital learning environments supported by HENC's member institutions.

New Charter proposes to fully digitize its entire network and this will translate into faster broadband speeds. New Charter also has made commitments to ensure that advanced technology will be available to under-served and low-income communities. The company plans to expand on Bright House Networks' program that provides broadband services at discounted rates. New Charter will offer faster broadband speeds at the current low prices, and broaden this program across New Charter's entire network. This will be a tremendous opportunity for many families in Hawaii who might otherwise lack a quality Internet connection in the home.

HDOE, UH and HAIS are all committed to providing high-quality education opportunities for the citizens of Hawaii. In the 21st Century, this commitment requires robust broadband networks capable of supporting the voice, data and video delivery of educational programming across the entire state on a 24/7 basis. Our discussions with New Charter to date indicate that it will be a strong partner in helping HENC meet its commitments.

If you have any questions or require additional information, please feel free to contact me at 808-203-9097 or bossert@hawaii.edu.

Sincerely,



Philip J. Bossert, Ph.D.

Senior HENC Program Coordinator

cc: David Lassner, President
University of Hawaii

Kathryn Matayoshi, Superintendent
Hawaii State Department of Education

Robert Landau, Executive Director
Hawaii Association of Independent Schools



PETER S. HO
CHAIRMAN, PRESIDENT AND
CHIEF EXECUTIVE OFFICER

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 24 A 8 25

September 23, 2015

Cable Television Division
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809
Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the
Indirect Transfer of Control of Oceanic Time Warner Cable LLC

Dear Director Colón,

I am writing in support of the proposed transaction between Time Warner Cable and Charter Communications providing for the indirect transfer of control of Oceanic Time Warner Cable LLC.

As the state's largest independent financial institution, Bank of Hawaii is interested in proposals benefitting our islands. We foresee a positive impact resulting from the combining of Charter Communications, Time Warner Cable, and Bright House Networks into a newly formed entity: New Charter.

This merger combines three top-tier broadband service providers whose economies of scale help hasten the deployment of next generation technologies. We would anticipate the new company to help spur increased investment in our local economy and build Hawaii's technology infrastructure.

New Charter has pledged significant investment to upgrade and expand broadband networks across the country, which will serve to raise broadband speeds as well as provide better high definition and video on-demand options, expanded WiFi access points and better services. Additionally, Charter has extensive experience working with PEG access organizations throughout its existing footprint and intends to meet its PEG obligations under the existing franchises.

Technological investment in our islands has the potential to help small businesses compete and foster innovation and growth. New Charter presents a unique opportunity for our state, and I respectfully encourage your favorable consideration of the proposed merger.

Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Peter S. Ho'.

Waipahu Community Based Development Organization

Mission

To strengthen and empower the community by supporting economic development, job creation, youth and family well-being and to preserve and promote the safety, beauty and culture of Waipahu.

Purpose

- Develop and nurture partnerships to empower the community to become more self-sufficient, proactive and productive.
- Develop, strengthen and support economic development efforts in the community.
- Develop and support programs and events that promote stronger youth and families.
- Develop and support efforts to preserve the history and cultural significance of the community while maintaining its beauty.

Objectives

1. Create more jobs/job training for Waipahu residents and spur business development.
2. Beautify and improve safety in Waipahu.
3. Provide activities and services to support Waipahu's youth and families, strengthen its sense of community and celebrate its cultural significance.

Board

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WCC General Meeting

Meetings are held the 2nd Thursday of each month at Olelo Studios at Waipahu Inter.

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 24 A 8 21

September 23, 2015

To Whom It May Concern:

On behalf of the Waipahu Community-Based Development Organization (dba Waipahu Community Coalition), I am expressing concern over the transfer of the Oahu cable franchise, currently held by Oceanic Time Warner, to the Department of Commerce and Consumer Affairs (DCCA).

It is our desire to see public, educational, or governmental (PEG) access continue under DCCA.

The Waipahu Community Coalition (WCC) aims to strengthen and empower the community by supporting economic development, job creation, youth and family well-being and to preserve and promote the safety, beauty and culture of Waipahu. WCC monthly meetings are open to the public and are held at the Olelo Studios located at Waipahu Intermediate School. Meetings are attended by Waipahu service providers, public and private school administrators, faith-based organizations and local business partners.

Recently, WCC volunteers and Olelo Studio staff created a show called Ku'u Home 'O Waipahu, which means Waipahu is my home. The show aims to strengthen a sense of community and celebrate the cultural significance of Waipahu. In addition, PEG access through this partnership has created a platform for many community organizations, schools and government agencies to share their resources to the community and magnify the awareness of key community issues (i.e. education, crime, neighborhood restoration).

PEG access is an essential tool in supporting our mission; our organization, which is managed by volunteers; and many community activities. Furthermore, PEG access allows organizations like WCC to promote and instill community awareness and pride. Let us not lose this valuable tool. May it continue to uplift our community and serve as an educational opportunity for our youth and community members.

Should you have any questions about this testimony, please feel free to call me at 808-542-8133 or email at ghmejia@yahoo.com.

Mahalo,



Gale Mejia, Chair
Waipahu Community Coalition

From: Reyn Watanabe <reynw9@hawaii.edu>
Sent: Wednesday, September 23, 2015 1:58 PM
To: DCCA Cable Television
Cc: Claire Morais
Subject: Testimony Asking DCCA to Ensure Continued Funding of 'Ōlelo as Charter Communications takes over Oceanic Time Warner Cable Contracts

Aloha,

I am a college student at the University of Hawaii. I, as a part of the community, understand the importance of 'Ōlelo's services to our community. It's imperative for our community to have a avenue in which we can express our diverse opinions and ideas that are not always reflected in the media.

It is more important than ever that the commitments by Oceanic Time Warner be honored by Charter Communications as it seeks to take over existing contracts.

We call upon the DCCA to protect public, education and governmental (PEG) access by insisting that the commitments to fund 'Ōlelo continue to be honored beyond this acquisition.

Thank you,
Reyn Watanabe

From: Pearl Johnson <pearlchangjohnson@gmail.com>
Sent: Wednesday, September 23, 2015 4:27 PM
To: DCCA Cable Television
Subject: Olelo is valuable to the community

Olelo has provided a valuable service to the community by airing the League of Women Voters' informed discussions of topics of community interest. Recent programs have discussed the Nextera takeover of Hawaiian Electric and the Thirty-Meter Telescope. Since 2012, discussions of rail, Ka Iwi, the water system and many other topics have been made available to the community. The program is aired on channel 53 the first Tuesday of the month at 7:30 pm and the following 4 Wednesdays at 5:30 pm.

Olelo has been consistently helpful in producing these programs.



--
Pearl Johnson
2404 Kanealii Ave
Honolulu, HI 96813

From: Mark Correlli <markcorrelli@gmail.com>
Sent: Wednesday, September 23, 2015 9:36 PM
To: DCCA Cable Television
Subject: The Importance of Olelo

Testimony Asking DCCA to Ensure Continued Funding of Olelo as Charter Communications takes over Oceanic Time Warner Cable Contracts

As a student of The University of Hawaii's Shidler College of Business I have learned of the important role that Olelo plays in the community. Olelo is not only a means for people to voice their opinions that may not otherwise be heard, but it also contains programs which support the development of young individuals who wish to gain knowledge and experience working in the fields of (PEG) Access. Olelo supplies young inexperienced individuals with access to production resources that will supply them with much needed experience as they enter the business world.

If the funding of Olelo were to be discontinued as Charter Communications takes over Oceanic Time Warner Cable, it would not only be detrimental to the workers of Olelo, but also to all the citizens of Hawaii who benefit from its services. Yes there are costs in funding Olelo, but one can not truly put a cost on all the good that Olelo's youth programs and ability for the average person to use Olelo's programming as a means to "Speak, Share, and Shape his or her world", do for the community as a whole. With friends who have used Olelo's resources to gain invaluable lessons and experience in production that will help them in the future I have seen first hand the good that Olelo does for the community.

Olelo's 25 years of service to the community including court case coverage, event coverage, and programs of local significance should earn it the right to maintain funding. I just ask that as the DCCA decides whether or not to ensure continued funding for Olelo that it does not look at Olelo as an expendable cost on a long list of expenditures, but rather as what it deserves to be seen as, an invaluable asset and essential piece to the community here in Hawaii. My name is Mark Correlli and I am a business management student at the University of Hawaii at Manoa and I stand with Olelo in its quest to continue serving the community.

"Olelo"


CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 23 P 1:14

*My name is Allwyn P. Williams and I am writing this statement in regards
to the Olelo Community Media. I would extremely like to reiterate the
Importance of what Olelo does by giving an outlet to those in the Community,
such as myself, a voice to share our thoughts, ideals and Religious Convictions.
As an ordained Pastor I pray that you will consider the love and appreciation of
the Importance of Free Speech and the professionalism of the staff of Olelo to
bring the best training possible for us that have the desire to learn.*

*I Pray that so fervently that this new acquisition will not jeopardize the
PEG Access Services!!*

Respectfully Submitted,


Pastor Allwyn P. Williams

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS



To: DCCA

2015 SEP 23 A 11: 15

Fr: Tobias Koehler, President, PMI Honolulu, Hawaii Chapter

Date: September 23, 2015

RE: Testimony Regarding Franchise Transfer from Oceanic Time Warner to Charter—
Maintaining 'Ōlelo Television Support

The Board of Directors of the Project Management Institute Honolulu Hawaii Chapter (PMI Honolulu), a Hawaii non-profit professional organization, are presenting testimony regarding the Charter Communications LLC (Charter) application to acquire the cable division of the Time Warner Incorporated Oceanic Time Warner Cable operations (TWC) in Hawai'i. As an active contributor to programming and recipient of the benefits of PEG Access ('Ōlelo Television), PMI Honolulu wishes to ensure that, should the acquisition be approved, Charter continues to serve the public interest and continues to provide support for 'Ōlelo Television by meeting the required commitments in the existing contract currently held by Oceanic Time Warner.

The Project Management Institute (PMI) is a global non-profit organization dedicated to the project management profession. PMI Honolulu, humbly formed 17 years ago with 25 members, serves over 600 members today through knowledge sharing, training, volunteerism and networking events. We are 100% volunteer-run and actively engaged in providing value to our members as well as reaching out to the community. Video programming recorded and edited by PMI Honolulu volunteers and transmitted by 'Ōlelo Television communicates the value of project management to practitioners in the community, whether novice or experienced.

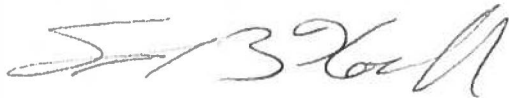
Our relationship with 'Ōlelo Community Media began in 2012. As a partner, 'Ōlelo allows our chapter the means to conduct high definition video recording, editing, and cablecasts. Our viewing audience benefits by learning about project management concepts, practices, theories; lessons-learned from applied concepts, practices and theories; and perspectives on managing and leading projects across the many industries in Hawai'i. Our chapter lacks these resources to produce this content at professional TV quality, visual quality level that is essential to video credibility and acceptance. "PMI Honolulu presents" cablecasts weekly on 'Ōlelo Channel 53 and on-demand video streaming from 'Ōlelo Net.

Our chapter, with 'Ōlelo training, is expanding its cadre of video production personnel to produce these video presentations. At our September 3, 2015 Professional Development Day (PDD), we hosted over 340 participants with 2 keynote speakers and 29 breakout sessions. Understandably, participants were not able to attend all the sessions that they might have desired. Video recording allows future access to those PDD presentations. As an added

benefit, watching these shows qualify for professional development units (PDUs) towards *professional re-accreditation*. Video communication is an acknowledged media modality that is applied in our chapter website and social media portals (Facebook, LinkedIn). Our chapter leads PMI Region 7 (California, Nevada, New Mexico, Arizona, and Hawai'i) and North America in chapter-produced videos that would not be possible without 'Ōlelo Community Media.

Our chapter's mission includes a mandate to train non-profit agencies in Hawai'i in project management. Our chapter delivered a 4 hour "project management 101" seminar to 'Ōlelo staff as part of their professional development. Cablecast and on-demand streaming facilitates this 'reach' to others. 'Ōlelo and PMI Honolulu share a vision to extend our reach and deliver information to enhance professionalism, leadership, personal growth, and improved project outcomes. For the above reasons, please request the preservation of the PEG Access within Charter application to acquire the cable division of the TWC operations in Hawai'i.

Sincerely,



Tobias Koehler
President

for the Board of Directors, PMI Honolulu Hawai'i



CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

2015 SEP 23 A 9 59

September 21, 2015

Cable Television Division
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809
Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the
Indirect Transfer of Control of Oceanic Time Warner Cable LLC – Oahu Franchise

Dear Director Colón,

I am writing in regards to the proposed merger between Charter Communications, Time Warner Cable and Bright House Networks. The YMCA of Honolulu's goal is to cultivate the values, skills and relationships that lead to positive behaviors, better health and achievement. As such, our organization is in favor of the merger because it would commit to bringing New Charter's service to underserved areas and strengthen local communities.

The YMCA of Honolulu seeks to nurture the potential of every child, teen and young adult who comes through our doors. In order for our youth to reach their full potential, they require access to fast and reliable Internet. New Charter would help our youth who are in underserved areas by expanding Hawaii's share of the one million line extensions nationwide into residential areas beyond where Charter currently operates. In other words, New Charter will build out one million line extensions of their existing networks nationwide into residential areas to provide high-speed service to rural and other underserved areas. By bringing more Internet services to Hawaii, New Charter would help children do their homework, and to continue their growth and online learning.

The merger would also support small businesses and strengthen local communities. With the increase in broadband infrastructure, the merger would help local businesses use the Internet to reach its customers, both in Hawaii and across the country. New Charter would also continue to support network neutrality, which enables small businesses to compete with large corporations for space online.

The merger between Charter Communications, Time Warner Cable and Bright House Networks would be very beneficial for children, families and businesses throughout Hawaii. I hope you take these facts into consideration and approve the merger.

Sincerely,

Michael T. Chinaka CPA
Senior Vice President & CFO
YMCA of Honolulu

From: Jamie Hamamoto <jmh6@hawaii.edu>
Sent: Monday, September 21, 2015 8:05 PM
To: DCCA Cable Television
Subject: Testimony

To whom it may concern,

Aloha. My name is Jamie Hamamoto and I am currently a student at UH Manoa and have lived on Oahu for all of my life.

Olelo media services is a vital part in our community because it allows us to share our voice with others. This is really important here in Hawaii because we are so culturally diverse. By allowing for a certain ethnic group to share their voice, it allows for the others in the community to help them but more importantly understand their perspective. This is one of the reasons the people of Hawaii are so harmonious.

Taking away PEG access would be detrimental to the Oahu community because we rely so heavily on the services it provides. If Charter does merge with Oceanic please make sure that PEG access continues because I know there have been places on the mainland that have lost there PEG access. It is really important to the people of Hawaii and also our future.

Mahalo,
Jamie Hamamoto

Delivery to the following recipient failed permanently:

cabletv@dcca.hawaii.govt

Technical details of permanent failure:

DNS Error: Address resolution of dcca.hawaii.govt. failed: Domain name not found

----- Original message -----

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Subject: Testimony
From: Jamie Hamamoto <jmh6@hawaii.edu>
To: cabletv@dcca.hawaii.govt
Cc: Angela Angel <aangel@olelo.org>
Content-Type: multipart/alternative; boundary=001a1139e85a47b70d05204fbf16
► Show quoted text

From: John Webster <jwebster@chaminade.edu>
Sent: Monday, September 21, 2015 10:22 PM
To: DCCA Cable Television
Subject: Cable Contract Transfers and Olelo Funding

To: cabletv@dcca.hawaii.gov

Aloha,

I am the director of the Hogan Entrepreneurial Program at Chaminade University and wish to voice my concern that Olelo's interests be protected as contracts are shifted from Oceanic Time Warner to Charter Communications.

Olelo is a beacon of open and unbiased community expression that is invaluable to the free expression of often unheard voices. Our entrepreneurial program tries to instill in its students a commitment to service and community development - that is linked inextricably to the kind of service offered by Olelo.

We ask the DCCA to protect community access by insisting that the past commitments to fund Olelo be maintained.

Sincerely,

John Webster

*John Webster, PhD
University Professor
Director, Hogan Program
Chaminade University*

Testimony of Angela Angel, Interim President & CEO, 'Ōlelo Community Television
Public Hearings on the Transfer of Oceanic Time Warner Cable's Hawaii
Cable Television Franchises to Charter Communications

September 21, 2015

Final Official Testimony, Supersedes testimony dated September 9, 2015

2015 SEP 22 A 9:38

My name is Angela Angel, Interim President and CEO of 'Ōlelo Community Media ('Ōlelo). As a private non-profit corporation that has been contracted to provide PEG Access service on O'ahu since 1989, we take strong interest in this application. Because a transfer from TWC to Charter could affect the PEG operations of 'Ōlelo and other PEG contractors in the islands, we appreciate the opportunity to share our concerns and respectfully submit this testimony.

Currently, 'Ōlelo holds no position on whether the franchise transfer from TWE to Charter should be approved; however 'Ōlelo asks that the DCCA review certain aspects of Charter's Application, and Response to the First Set of Information Requests with care.

In the Application, the State asks Charter to describe any potential changes. To which Charter responds, "New Charter is not requesting and has no current plans to request any changes to the current cable franchise orders." However, in Charter's response to the State's questions concerning PEG operations, Charter states, "Charter has not had an opportunity to review the systems or their operations and accordingly it is premature to establish specific plans regarding the itemized matters."

It is difficult for 'Ōlelo to comprehend that a merger of this magnitude would have reached this stage without a comprehensive review of operations. Charter's indication that it is unable to offer specific changes as they have not reviewed TWC systems or operations concerns 'Ōlelo as Charter has a history in other municipalities of negatively impacting PEG Access services after being granted their franchise (see ACM Report attachment dated 9.21.15). We are hopeful that this is not the case for our state.

'Ōlelo appreciates Charter's Response to the First Set of Information Requests put forth by the DCCA. 'Ōlelo respectfully asks that the DCCA review Charter's response in IR 10, including the footnote indicating that analog customers will require a box to access the new digital services but indicates that the system is "at their option." The DCCA should inquire if this implies that there would be a fee for access to the basic tier channels.

We're pleased to read that in IR 14 and IR 15 that Charter states that the acquisition "will not affect Oceanic's PEG obligations under its franchise agreement." However, again, Charter states in both responses that it "does not have any **current** plans to make any changes."

We are also pleased to read that in IR 17, Charter shares a list of specific public interest benefits like faster internet, quicker rollout of advanced video technology, and especially Exceptional Community Initiatives; wherein they talk about "commitment to diversity and inclusion, and initiatives to expand broadband adoption and close the digital divide."

Our State prides itself on building and maintaining business relations not only with integrity but also with aloha. Despite national stories of Charter negatively impacting PEG Access services and digital inclusion, we look to this application as an opportunity to forge positive relations, and we look to the DCCA to continue to protect the public interest through this transaction.

The DCCA has communicated to 'Ōlelo their ongoing support and desire to improve access services. We ask that the DCCA uphold the requirements in the existing franchise agreement, as documented in the DCCA Cable Television Division's D&O 346, and the Deputy Director's Final Order Regarding Arbitrator's Decision, and in Stipulation to Settle all Claims of the Parties, CTV-2013-1.

I have included an addendum summarizing some of the primary public benefits contained in D&O 346. In general, there are requirements that we would like to bring to the attention of the DCCA.

- The provision of VOD and digital Channels.
- The provision of analog channels designated for public, educational, and government access purposes, plus a statewide digital PEG Access channel.
- That all PEG Access Channels are transmitted to all Subscribers on TWE's Basic Service Tier.
- Ensuring that technical quality of PEG Access and other required Channels are at least equivalent to the technical and picture quality of the local broadcast television stations, and can be located and viewed in the same manner as other commercial channels; that PEG channels will continue to be located in a contiguous grouping of channels.

Affiliates of major national broadcast networks (ABC, CBS, FOX, NBC) have superior technical and picture quality than 'Ōlelo through High Definition (HD) channels, in addition to non-HD digital channels and analog channels. Digital and HD subscribers consistently overlook lower-quality channels which puts 'Ōlelo's analog-only channels at a disadvantage.

'Ōlelo is producing 100% HD content and can deliver HD channels. Our production equipment; cameras, multi-camera field units and production van are HD ready. Our master control system is digital, and can readily be converted to output in HD. We currently down-convert HD content to SD for delivery to Oceanic Time Warner because they do not provide our channels in HD. 'Ōlelo interprets Section G-1 to mean that the cable franchise operator is required to provide content, including PEG channels, to its HD subscribers in HD. Furthermore, should technology evolve beyond HD, the requirement in this section would also apply to new technology.

Also, channel placement is critical to PEG television in obtaining viewership because of the vast cable spectrum. As cable subscribers continue to migrate to higher service levels, they are being moved to spectrums that are not contiguous to 'Ōlelo channels, which remain in the analog spectrum. This makes it increasingly difficult for subscribers to find 'Ōlelo through channel surfing. This could be remedied by having, for example, additional channels such that 'Ōlelo 49 can also be viewed on 1049. This same rationale would hold true when video-on-demand (VOD) channels are added as specified in Section III of Stipulation to Settle all Claims of the Parties. In addition, we request that 'Ōlelo's channels, analog, digital and HD, be sequentially numbered; currently our channels skip from 49 to 53, creating unnecessary complexity in communicating with viewers.

- Continue to require the submission of detailed reports by the cable provider to include community needs and interests, PEG Access channels and digital upgrades to PEG Access equipment and facilities.
- Ensure that as the transition of analog channels on the cable system to digital occurs, that all Subscribers have access to all Access Channels in the Basic Service Tier and that Subscribers of analog service can receive set-top boxes or similar devices at no charge.

Forty percent of our viewers on the TWC system are Analog subscribers, many of them older, less affluent viewers who may not be able to afford the higher prices that accompany digital cable service. These viewers must have access.

Also with the change to digital, "channel slamming into digital Siberia" (channel placement distant from other local channels) cannot be permitted. Charter has been accused of such practices in Missouri, Wisconsin, Massachusetts, and Minnesota.

- Ensure payment formula for the Access Operating Fee and payment of Capital Funds stays intact.
- The expansion of the Institutional Network ("INET") continue and that the new INET connections are free of charge to the State.

‘Ōlelo’s cablecasts of State legislative sessions, hearings, confirmations and meetings are hampered by technology limitations due to INET inadequacies such as the limitation of two simultaneous transmissions from the State Capitol through antiquated technology at any given time. The legislature and the DCCA have expressed their desire to have ‘Ōlelo increase government programming – and ‘Ōlelo is working to do so. However, unless the INET system is upgraded or replaced with a superior alternative, signals will continue to be limited to two simultaneous, low quality transmissions.

For the past 25 years, ‘Ōlelo Community Media has equipped and empowered thousands of O‘ahu residents, community organizations, educational institutions, and government officials and agencies through basic and advanced video production trainings and services necessary to conceive, design, execute, and share meaningful messages and community dialogue via PEG Access Channels. We have long leveraged resources and enabled innovation with the use of volunteers, long-standing community partnerships, and local and national grant opportunities to maximize what services and resources we can offer to our island residents. WE share over 5000 hours of locally produced programming a year. Our youth initiatives touch thousands of students annually with some schools incorporating our programs into their curriculum. To date, ‘Ōlelo has cablecast more than 110,000 locally produced programs that represent O‘ahu’s rich diversity in speech, culture, and community perspectives. These successful services and outcomes could be jeopardized even with the most subtle change in provisions for PEG access services. ‘Ōlelo supports competition but equally so, public assets, consumers, underserved populations, and our first amendment rights must be protected.

In summary, as we have stated, ‘Ōlelo does not take a position with regard to this transfer. However, should the State approve the Charter application we ask that the DCCA address our concerns and uphold the requirements in the existing franchise agreement, as documented in the DCCA Cable Television Division’s D&O 346, as well as the Deputy Director’s Final Order Regarding Arbitrator’s Decision Filed on July 27, 2012 in the settlement of the capital arbitration and in Stipulation to Settle all Claims of the Parties, CTV-2013-1 dated March 4, 2014, to apply these requirements to the acquiring entity should the acquisition transaction be allowed; and the written assurance that those will continue to be governing documents going forward. This would help ensure that cable subscribers on O‘ahu continue to receive quality PEG Access services.

Thank you for this opportunity to provide testimony. I am confident that in your decisions you will consider the applicant’s fulfillment of the public benefits outlined in the above documents and the value of PEG Access to our community.

ADDENDUM

DECISION AND ORDER NO. 346

This addendum is intended to summarize some of the primary public benefits contained in Decision and Order No. 346 and to provide comment with regard to requesting that the DCCA uphold these benefits should the State approve Charter's acquisition of Time Warner Oceanic Cable. Although the focus here is primarily on Decision and Order No. 346, references in some cases are made to the Stipulation To Settle All Claims Of The Parties ("Settlement") (CTV-2013-1).

A. FRANCHISE REQUIRED CHANNELS (Section IV.E)

D&O No. 346 makes reference to TWE being required to provide seven digital channels as Franchise Required Channels. The provision of these franchise required channels was significantly modified by Settlement CTV-2013-1, including:

- No longer requiring OTWC to make the five (5) Franchise Required Channels ("FRCs") available.
- OTWC would provide One statewide State Government VOD channel, collectively to the State Government (i.e., Legislature, Office of the Governor, Executive Branch agencies, Judiciary, etc.);
- Provide two hundred (200) total hours of storage capacity for State Government VOD and two hundred (200) hours of storage capacity per County Government for a total of eight hundred (800) hours for the County Government VOD Channel;
- One statewide County Government VOD Channel, collectively to County governments (i.e., the City, County of Maui, County of Hawai'i, and County of Kaua'i);
- One statewide State Government Linear Digital Channel;

Along with these obligations, OTWC and the parties to the Settlement are required to address additional provisions contained in Settlement CTV-2013-1.

B. PEG ACCESS CHANNELS (SECTION IV.F.)

The Franchise includes six analog channels (total of 36 MHz of bandwidth) designated for public, educational, and government access purposes, plus one statewide digital PEG Access channel. The Franchise stated that four (4) of these channels are for PEG Access programming by the PEG Access Organization ('Ōlelo). Provisions related to this section were amended by Settlement CTV-2013-1, including

- One additional statewide PEG VOD Channel and one PEG Linear Digital Channel;
- Provide two hundred (200) hours of storage capacity for each designee, for a total of eight hundred (800) hours of storage capacity for all designees.

All PEG Access Channels, once made available, are to be transmitted to all Subscribers on TWE's Basic Service Tier.

Pursuant to the Franchise, TWE is obligated to provide upstream-activated connectivity for two additional upstream-activated sites for PEG Access purposes.

C. TECHNICAL QUALITY, CHANNEL PLACEMENT, AND PROMOTION OF PEG ACCESS AND FRANCHISE REQUIRED CHANNELS (SECTION IV.G)

The Franchise ensures that technical quality of PEG Access and other required Channels shall be at least equivalent to the technical and picture quality of the local broadcast television stations. Additionally, TWE must ensure these channels can be located and viewed in the same manner as other commercial channels of video programming. This requirement assures that PEG Access Channels will not receive inferior placement on the cable spectrum and that subscribers will be able to locate the PEG channels as easily as they can locate commercial channels on the cable system.

The language related to PEG Channel placement states that TWE agrees to assign each PEG Access Channel its own dedicated Channel number (i.e., the current numbering is 49, 52, 53, 54, 55 and 56) and that PEG channels will continue to be located in a contiguous or near contiguous grouping of channels.

The Franchise also states the channels shall be located in a reasonably contiguous grouping of channels and that PEG Access-specific groupings shall be reasonably contiguous.

TWE is obligated to provide 1,000 30-second spots for public service announcements (PSA's) designed to promote viewership and awareness of the PEG Access and Franchise Required Channels and programs.

From Testimony: Affiliates of major national broadcast networks (ABC, CBS, FOX, NBC) have superior technical and picture quality than 'Ōlelo through High Definition (HD) channels, in addition to non-HD digital channels and analog channels. Digital and HD subscribers consistently overlook lower-quality channels which puts 'Ōlelo's analog-only channels at a disadvantage.

'Ōlelo is producing 100% HD content and can deliver HD channels. Our production equipment; cameras, multi-camera field units and production van are HD ready. Our master control system is digital, and can readily be converted to output in HD. We currently down-convert HD content to SD for delivery to Oceanic Time Warner because they do not provide our channels in HD. 'Ōlelo interprets Section G-1 to mean that the cable franchise operator is required to provide content, including PEG channels, to its HD subscribers in HD. Furthermore, should technology evolve beyond HD, the requirement in this section would also apply to new technology.

Also, channel placement is critical to PEG television in obtaining viewership because of the vast cable spectrum. As cable subscribers continue to migrate to higher service levels, they are being moved to spectrums that are not contiguous to 'Ōlelo channels, which remain in the analog spectrum. This makes it increasingly difficult for subscribers to find 'Ōlelo through channel surfing. This could be remedied by having, for example, additional channels such that 'Ōlelo 49 can also be viewed on 1049. This same rationale would hold true when video-on-demand (VOD) channels are added as specified in Section III of Stipulation to Settle all Claims of the Parties. In addition, we request that 'Ōlelo's channels, analog, digital and HD, be sequentially numbered; currently our channels skip from 49 to 53, creating unnecessary complexity in communicating with viewers.

D. DEVELOPING TECHNOLOGIES (Section IV.H.)

Section IV.H. of the Franchise describes the TWE technology migration plan in the next three years and requires TWE to submit detailed reports (every 5 years) on how TWE is going to keep the O'ahu cable system current with new and evolving technologies over the 20 year term of the agreement.

The Franchise provides specific deadlines for TWE to submit the technology reports. It should be noted that the first of these technology reports was due on August 1, 2010. TWE did not meet the deadline and asked the Director for an extension, which was granted.

The criteria that the Director may use for evaluating the TWE reports include community needs and interests, PEG Access channels and digital upgrades to PEG Access equipment and facilities, and the effect, compatibility and costs of those technological changes on consumer electronic equipment. TWE is obligated to include in its plans, among other things, the following: impacts to PEG Access and schools and libraries, Franchise Required Channels, INET interconnection or connection requirements, broadband internet speeds and other matters related to its Cable System and the cable franchise area.

This section of the Franchise also states that TWE will transition 50 of the analog channels on the cable system to digital over the first 4 years of the Franchise.

In order to ensure that all Subscribers have access to all Access Channels and non-Access Channels in the Basic Service Tier that have been converted to digital, TWE must provide to Subscribers of analog service, *upon request* and at no charge to the Subscriber, set-top boxes or similar devices to view Channels in the Basic Service Tier (up to a reasonable maximum per household) that have been migrated to the digital spectrum. TWE must provide free installation and support for those Subscribers who need assistance with these devices.

As a further condition of the Franchise Order, TWE must ensure that the time to access a standard digital video ("SDV") Channel, under normal operating conditions, shall not exceed a one second average delay per Channel and will not include a drop-down menu selection.

From Testimony: Forty percent of our viewers on the TWC system are Analog subscribers, many of them older, less affluent viewers who may not be able to afford the higher prices that accompany digital cable service. These viewers must have access.

Also with the change to digital, "channel slamming into digital Siberia" (channel placement distant from other local channels) cannot be permitted. Charter has been accused of such practices in Missouri, Wisconsin, Massachusetts, Georgia, South Carolina and North Carolina.

E. PEG ACCESS OPERATING FEE (SECTION IV.I)

During each year of the Franchise, TWE is obligated to pay an Access Operating Fee (AOF) used for PEG Access purposes.

The payment formula for the AOF is the *lesser* of: (1) 3% of TWE gross revenues, or (2) an amount equal to the amount paid for the previous calendar year multiplied by the percentage change (positive or negative) of the United States Department of Labor seasonally adjusted Consumer Price Index for all Urban Consumers Honolulu (CPIU) for all Items (1982-1984=100) from the most current period available and the comparable figure for the prior twelve-month period.

F. CAPITAL FUND PAYMENTS (SECTION IV.J.)

Commencing on January 31, 2011, and on January 31 of each year thereafter, TWE is obligated to make annual Capital Fund Payments of \$823,000. This provision of Decision and Order No. 346 was amended by Settlement CTV-2013-1 to address Capital Fund payments for 2015 and beyond for the OTWC Cable

Franchise for O'ahu. The provision of increases based on CPI adjustments based on percentage change from the preceding year's CPI, but not less than \$823,000 total as of 2016.

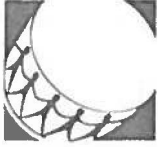
G. NETWORKS (SECTION IV.M.1)

This section requires the expansion of the Institutional Network ("INET") that was initiated under previous franchise agreements. TWE must provide 20 new INET connections or interconnections free of charge to the State during the first 5 years of the Agreement.

From Testimony: 'Ōlelo's cablecasts of State legislative sessions, hearings, confirmations and meetings are hampered by technology limitations due to INET inadequacies such as the limitation of two simultaneous transmissions from the State Capitol through antiquated technology at any given time. The legislature and the DCCA have expressed their desire to have 'Ōlelo increase government programming – and 'Ōlelo is working to do so. However, unless the INET system is upgraded or replaced with a superior alternative, signals will continue to be limited to two simultaneous, low quality transmissions.

SUMMARY

Should the State approve Charter Communication's application to acquire Oceanic Time Warner Cable's existing franchise, 'Ōlelo asks that the DCCA uphold the requirements in the existing franchise agreement, as documented in the DCCA's Cable Television Division's D&O 346, as well as the Deputy Director's Final Order Regarding Arbitrator's Decision Filed on July 27, 2012 in the settlement of the capital arbitration and in Stipulation to Settle all Claims of the Parties, CTV-2013-1 dated March 4, 2014, to apply these requirements to the acquiring entity should the acquisition transaction be approved; and the written assurance that those will continue to be governing documents going forward. Since the authority already resides with the DCCA, the DCCA can ensure that the public benefits enabled through the above referenced document are delivered to the residents of O'ahu.



Alliance for Community Media
Foundation of the Alliance
for Community Media

www.allcommunitymedia.org
info@allcommunitymedia.org

Minnesota Headquarters
4248 Park Glen Road
Minneapolis, MN 55416
p: 952 928 4643

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8817 2nd Avenue
Silver Spring, MD 20910

CHARTER COMMUNICATIONS, PEG ACCESS AND OTHER PUBLIC SERVICE OBLIGATIONS

September 21, 2015

The Alliance for Community Media (www.allcommunitymedia.org) and its members are concerned about the ramifications of the proposed merger between Charter Communications, Time Warner and Bright House Networks to create a “New Charter”. We have identified a significant number of cases which reveal troubling actions by Charter as it relates to the company’s Public Educational and Government (PEG) Access and other local public service obligations.

We summarize the issues below. They are organized by state, but reflect a reasonable characterization of Charter’s behavior related to PEG and public service obligations that are beyond the borders of any particular state.

It should be noted that one of the key “lenses” through which the Federal Communications Commission has viewed other proposed mergers has been whether the situation related to any particular concern will be worse under a merged environment than it would be if the merger does not occur.

WISCONSIN

Charter and Time Warner Cable operate the majority of cable holdings in Wisconsin.

Time Warner Cable has a call center in Appleton. Charter's call center in Fond du Lac is located about 45 miles from Appleton. These call centers would likely be consolidated after the merger, which would cause significant job losses.

Channel Relocation (Often referred to as “Channel Slamming” is an action taken by a cable company to move PEG channels from lower-numbered positions to little-viewed, high-numbered locations.)

In 2008, Charter moved all PEG channels on at least 31¹ of its Wisconsin systems from low numbers (like 1, 2, 3, 4, 10, 12, 13, and 19 -- where they had been for decades) to 982-994. Since then, many viewers reported serious reception problems for the PEG channels in the new channel locations. Wisconsin's video franchise law only requires that PEG channels be “transmitted.” Signal quality concerns are not addressed.

Time Warner Cable has continued to carry PEG channels on low channel numbers. PEG channel reception problems are rarely reported by Time Warner Cable subscribers. If Charter takes over Time Warner Cable's systems, will Charter relocate these PEG channels to the upper-900s and have no concerns about their signal.

PEG Channels Rarely Appear on Charter's Electronic Program Guide (“EPG”)

Recent surveys of cable subscribers throughout the United States reveal that a cable system's EPG has become the primary method used by subscribers to find information about programming on cable TV channels. Unfortunately, few of Charter's Wisconsin systems include PEG program schedules on their EPG. For example, efforts by **Chippewa Valley Community Television (CVCTV) in Eau Claire** to get their listings on the EPG were fruitless. Charter would charge them at least \$100 per month for this capability, far too expensive for CVCTV and other financially struggling PEG management organizations that serve rural and other small communities in Wisconsin, where its state franchise law prohibits PEG fees. *Charter charges PEG channels – but not broadcast or satellite-delivered programming channels -- to include their program schedules on the EPG.*

Charter Charges School Districts for Cable Service

Prior to 2007, when the state franchise law was adopted in Wisconsin, local communities required that cable companies provide cable service at no charge to public buildings and schools. During legislative discussion, lawmakers were left with the impression that such free service would continue without the need for a provision in the state franchise law. However, in recent years, Charter has begun charging these institutions business rates (\$70 per month) for cable service – plus a cable box fee of \$5.99 to \$7.99 per month per box. For example, Charter told **Merrill Area Public Schools** and the **Whitewater Area School District** that one cable box would be provided at no charge to each school, but any

¹ Including these PEG channels: **Beloit Access TV, Chippewa Valley Community Television, City of Algoma TV, Columbus Cable, Deerfield Community Access TV, Fitchburg Access Television, Janesville JATV Media Services, Jefferson JPEG and SDOJ, Lake Mills Community Access TV, Madison City Channel, Madison Metro School District, Marshfield Community Television, Monona School/Community TV, Mount Horeb Village Cable, Rice Lake Public Access Television, River Cities Community Access, Stevens Point Community Television, Sun Prairie Media Center, Superior Community Television, The Ripon Channel, Town of Sevastopol TV, Village of Cambridge TV, Village of Cottage Grove TV, Waterloo Community Access TV, Watertown Television, Waunakee Community Access TV, Whitewater Community Television, WIN-TV (Waupaca), WMCF McFarland, WSCS Sheboygan.**

additional boxes would cost \$7.99 per month. Since the school district could not afford Charter's cable box fees to equip every classroom, the only location where educational cable programming is available is in the school library, where the one free box is kept.

Charter's only-one-free-box-per-school policy caused the same result for financially struggling schools in the **Village of McFarland (Monona Grove School District and the McFarland School District)**.

CALIFORNIA

Non-Payment of PEG Fees as Mandated by the State Franchising Law (DIVCA)

In several California communities that it serves (including **Santa Cruz County, San Luis Obispo County, and the Cities of Capitola, Morro Bay and Grover Beach**), Charter has unilaterally ceased payments of PEG fees established by these communities in conformance with DIVCA (Digital Infrastructure and Video Competition Act), due to the company's interpretation of state law. No other cable operator has done this.

Refusal to Provide Free Connection between PEG Channel Playback Site and Charter's Facilities

In **Long Beach**, Charter discontinued its management of the Public Access channel in 2009, immediately after DIVCA went into effect. Subsequently, nearly four years passed with no Public Access channel in Long Beach, until a local nonprofit organization secured grant funding, which enabled it to set up PADNET (Long Beach Public Access Digital Network), a new Public Access management entity to serve this community.

When PADNET was ready to connect its playback system to Charter's headend, its representatives were told by Charter that a substantial fee would be charged to PADNET for that connection to occur. If PADNET had refused to pay this fee, the revived Public Access channel would not be transmitted to Charter's subscribers.

Although other PEG facilities throughout California do not – and have never -- paid such a connection fee, Charter decided to take this unilateral action against the new Public Access operation in Long Beach.

The **Los Angeles County** channel is another PEG channel that could be serving the residents of Long Beach (which is located within Los Angeles County), but it is not available to Long Beach subscribers because Charter requires the City to pay the company to transmit this channel.

We are unaware of any "connection fee" being charged by Charter to a broadcast channel or satellite-delivered service carried on any Charter system in the United States. Charter's decision to single out PEG channels -- the least likely programming service to be able to afford such a connection fee illustrate much about Charter's attitude about PEG.

*Based on available information, we believe that Charter was the first cable MSO in the United States to impose a connection fee as a condition of PEG channel transmission. Regrettably, other MSOs are starting to follow Charter's example (e.g., in the **San Diego** area, Cox recently sent notices to several cities and PEG channel managers to inform them that the company will begin charging for PEG channel transport from their facilities).*

Charter to Begin Charging Schools for Cable Service

Mirroring its practice in Wisconsin, Charter has informed local schools in **Long Beach** that cable service previously provided by the company at no charge to public buildings and schools is being discontinued.

PEG Channels Do Not Appear on Charter's Electronic Program Guide ("EPG")

In **Pasadena**, PEG programming information is not on Charter's EPG, due to the high fee quoted by Charter and its incorrect statement to Pasadena Media that the information has to be locked in at least one month in advance.³ PEG programming information is also unavailable on Charter's EPG in **Long Beach**.

³ According to Rovi (a company that provides EPG service to Charter), 30 days of current data must always be present, but *it can be changed/updated as late as one day in advance*. (See: <http://alist.rovicorp.com/farsight/Include/ALISTHelp.pdf>)

MASSACHUSETTS

Channel Relocation

Charter has moved PEG channels in several locations in Massachusetts. For example, in 2014 Charter unilaterally moved PEG channels in **Northbridge** from 11, 12, and 13 to 191, 192 and 194. This was done despite the Town's franchise agreement, which stated that the PEG channels would be on 11, 12 and 13. At a public meeting, Charter representative Tom Cohan told the Northbridge Selectmen that it was a mistake for Charter to agree to the PEG channel location terms in the franchise agreement, but Charter would not move the channels back. Without citing any evidence, Mr. Cohan claimed that lower channel positions are unimportant.⁴

The Selectmen believe Charter is in breach of its contract with Northbridge, but are reluctant to take Charter to court because of the expense. Charter has repeated this behavior towards PEG in **Worcester, Uxbridge, and Douglas**, unilaterally moving their PEG channels and harming service to local communities.

MINNESOTA

Channel Relocation

In 2014, Charter unilaterally decided to move the PEG channels in **Rochester**, despite the City Council's previous denial of Charter's request to do so.^{5, 6} The channels were moved from 10, 19, 20, 21 and 22 to the 180s. Although the "Relocation of PEG Channels" section of the Rochester franchise agreement states that "*Grantee and Grantor may at any time agree to relocate any PEG access Channel to a different Channel number,*" Charter interpreted this to mean that the company just had to inform the city, not to have a mutual agreement. This section of the franchise agreement goes on to state that "*Grantee shall provide Grantor and all Subscribers with at least thirty (30) days prior written notice of any legally required relocation.*" However, no advance notice was given to the City by Charter, which notified Council members of the change in a letter on the day the channels were moved.

Also in 2014, Charter moved **St. Cloud** PEG channels 12, 19, 6, 21 and 20 to channels 180, 181, 187, 188 and 189, respectively.⁷ Charter did not receive written consent from the City of St. Cloud prior to the relocation, which the City stated was required by the franchise agreement. In this case, the corporation made the move after it had been denied by the city.

⁴ <https://www.youtube.com/watch?v=DZdhea-vigI&feature=youtu.be>

⁵ KTTC, October 16, 2014. <http://www.kttc.com/story/26809907/2014/10/16/charter-communications-relocates-channels-city-officials-say-potential-violation>

⁶ Rochester Post Bulletin, October 17, 2014. http://www.postbulletin.com/business/charter-change-upsets-rochester-council/article_5a1b78f4-b415-5489-85d9-225235b415a7.html

⁷ St. Cloud Times, September 4, 2014. <http://www.stcloudtimes.com/story/news/local/2014/09/04/city-st-cloud-accuses-charter-violating-agreement/15070577/>

MISSOURI

Channel Relocation

Shortly after Missouri's state franchising law took effect in 2007, Charter moved PEG channels throughout the state from lower-numbered positions to the mid- to upper-900s, a move that required many subscribers to pay a \$5 monthly fee for a cable box to tune in city council meetings and other community programming.

St. Louis aldermen held a lengthy public hearing about this action, to no avail. They said that Charter was not listening to those residents who care about public programming.⁸ **Florissant** Mayor Robert Lowery said that this action by Charter was especially hard on older adults and others on a fixed income. **Brentwood** Mayor Pat Kelly learned about the change from residents who called him to ask why the local government channel had gone dark. Kelly said that "since we no longer have a franchise agreement with Charter, we really don't have any club to fight with."⁹

MONTANA

Charter's Switch from Analog to Digital Could Cost Schools \$60,000-100,000

In **Missoula**, the existing local franchise agreement requires Charter to provide a free connection to each school. In July of 2014, Charter informed the School District that the company's switch from analog channels to digital would require new digital set-top boxes for every TV. A cable box on every TV was not needed previously in the School District's 628 classrooms. The next month, cable service was no longer available to those classrooms.

To outfit each classroom with a digital cable box, the cost to the School District "could be anywhere from \$60,000 to \$100,000," according to Hatton Littman, Director of Technology and Communications with Missoula County Public Schools.^{10, 11}

⁸ St. Louis Post Dispatch, July 1, 2010. http://www.stltoday.com/news/local/govt-and-politics/st-louis-aldermen-fired-up-at-charter-want-cable-co/article_a215677c-853d-11df-96c2-00127992bc8b.html

⁹ St. Louis Post Dispatch, February 21, 2010. http://www.stltoday.com/news/local/metro/city-council-meetings-get-pushed-off-many-screens/article_7944dc68-5acd-5f2f-aca7-cf65d658cfcc.html

¹⁰ Missoulian, August 27, 2014. http://missoulian.com/news/local/charter-digital-tv-conversion-could-mean-higher-costs-for-city/article_70ae6a52-2d7f-11e4-94c7-001a4bcf887a.html

¹¹ KECI, August 28, 2014. <http://www.nbcmontana.com/news/city-schools-negotiate-with-charter-to-get-cable-service-back/27781240>



'IOLANI SCHOOL

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 21 P 2:59

HEAD OF SCHOOL

September 18, 2015

Cable Television Division
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809
Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the
Indirect Transfer of Control of Oceanic Time Warner Cable LLC – Oahu Franchise

Dear Director Colón,

'Iolani School is the largest Episcopal school in the United States. We recognize the importance of ensuring that students have access to latest internet technologies, particularly for science, technology, engineering and mathematics (STEM) education. Our school has employed many initiatives, including a 1:1 iPad program, that help our students get comfortable with using computer technology. At the same time, we recognize that 'Iolani School is more the exception than the norm, particularly here in Hawaii. Unfortunately, many schools and students lack access to broadband and other technologies that can improve their education.

Currently, policymakers are weighing the proposed merger of Charter Communications, Time Warner Cable and Bright House Networks into a new company, New Charter. For the sake of students in Hawaii, I am writing in support of the transaction.

New Charter would help upgrade the cable and internet technology available across our state. The company has pledged to fully digitize Time Warner's existing network. In addition, the company plans to build out one million line extensions of its networks into rural and underserved residential areas. This will go a long way in ensuring that the internet is available to all.

Beyond investments in technology, I also believe New Charter would bring other benefits to our community. The three companies have a history of successful community service programs that New Charter will not just continue, but expand. One of these, Charter our Community, is pledging to overhaul more than 25,000 dilapidated homes in the next five years.

For Hawaii's young people to succeed, they need a quality education and economic opportunities. New Charter can help deliver both.

Sincerely,

Tim Cottrell, Ph.D.
Head of School, 'Iolani School

From: Georgette Stevens <georgette.stevens@gmail.com>
Sent: Monday, September 21, 2015 8:20 AM
To: DCCA Cable Television
Subject: Support Charter Communications' Application

Aloha kakahiaka,

I support this application in order to continue to have `Olelo Media to serve our community. I have used this media since the early 1990's to inform our communities on what programs we have within our neighborhoods and to share what's happening on our O`ahu.

Please help our venue of communication to move forward by approving this application.

Mahalo,

--

Georgette Stevens
P. O. Box 75414
Kapolei, HI 96707
306-7992

From: Dawn Webster <dmoraiswebster@gmail.com>
Sent: Monday, September 21, 2015 11:52 AM
To: DCCA Cable Television
Subject: Testimony --Charter Communications needs to main existing commitments

I serve on the board of Olelo and have a growing appreciation for how important Olelo is to ensuring that the community has avenues to express the diversity of opinion that is not always adequately reflected as media options shrink with each merger and acquisition.

We have witnessed the demise of several community papers and the consolidation of ownership of broadcast news channels so that the community has to accept simulcasts of the same news instead of seeing a broad range of reporting.

It is more important than ever that the commitments by Oceanic Time Warner be honored by Charter Communications as it seeks to take over existing contracts.

We call on the DCCA to protect public, educational and governmental (PEG) access by insisting that the commitments to fund Olelo continue to be honored.

Olelo channels are the way that many communities find out about local government or school events, exercise their free speech rights and connect to neighborhood activities. **Please ensure that the current contractual commitments to Olelo are protected and maintained as you deliberate the transfer of these contracts from Oceanic Time Warner to Charter Communications.** Olelo --and the community--should not become yet another casualty of media consolidation.

Mahalo,
Dawn Morais Webster, Ph.D.

DAWN MORAIS LLC Communications & Issue Advocacy
1. Keahole Place. #3501. Honolulu. HI 96825
www.dawnmorais.com

808-383-7581

Blogs at <http://www.huffingtonpost.com/hawaii>

From: Larson Medina <larson1971@yahoo.com>
Sent: Monday, September 21, 2015 1:06 PM
To: DCCA Cable Television
Cc: Donna Ylen
Subject: Spam:Olelo and the Women's Community Center

My name is Larson Medina. I am a Recreation Specialist at the Women's Community Correctional Center in Kailua. For the past ten years Windward Olelo has trained over twenty women inmates to film and edit projects both here inside the prison and outside in the community. There is a unique partnership that exists between the prison and Olelo Community media. Our women greatly benefit from their interaction with Olelo professionals and people that we meet in the community.

PEG access is important to all of the community and it is my hope that this will continue after the proposed acquisition. Aloha.

From: Christina Gerhardt <cg2020@hawaii.edu>
Sent: Monday, September 21, 2015 1:33 PM
To: DCCA Cable Television
Cc: info@olelo.org
Subject: Public Testimony to the DCCA on Charter/TWC Transfer

Aloha Cable TV,

I am writing to submit testimony and request that if Charter Communications be granted the O'ahu cable franchise currently held by Oceanic Time Warner it only be done so if it continues to serve the public interest and provide continued support for PEG Access by meeting the required commitments in the existing contract currently held by Oceanic Time Warner.

I am a faculty member at the University of Hawai'i at Mānoa with a strong commitment to connecting campus and community and to programming that is of interest to the community. With this intent in mind, I have programmed events that, I hope, appeal to the community, and - crucially - secured 'Ōlelo to film and broadcast a number of events, such as Bill McKibben's talk in April 2014 and Naomi Klein's talk in February 2015. Both events were filled to overflowing. Both events had overflow rooms that were filled to overflowing. Without their crucial support, we could not have shared the event with members of the community we sadly had to turn away.

Their services are vital and PEG access must be ensured, so that they continue.

They are pivotal to the public and the community. The proposed acquisition must allow the existing contract and / or allow 'Ōlelo a voice at the table to negotiate the terms of the transfer. The vital services they provide are needed and should continue to be provided to the public.

With kindest thanks and best regards,
Christina Gerhardt

Christina Gerhardt, Assistant Professor
University of Hawai'i at Manoa
1890 East-West Road / Moore Hall 453 / Honolulu HI 96822
<http://manoa.hawaii.edu/lea/german/faculty/christina-gerhardt>



Saint Mark Lutheran School
K Ā N E ' O H E , H A W A I ' I

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

September 18, 2015

2015 SEP 21 P 2: 04

Cable Television Division
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809
Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the
Indirect Transfer of Control of Oceanic Time Warner Cable LLC – Oahu Franchise

Dear Director Colón,

I write today in support of the merger of Time Warner Cable, Charter Communications and Bright House Networks into New Charter. As the Head of School for Saint Mark Lutheran School in Kāne'ohe, Hawai'i, I work hard to stay familiar with the issues that will impact my students and our community. New Charter is a company that stands to benefit our state, and I hope the merger will be approved.

Hawaii students are as bright and talented a group of students as you will find anywhere in the country. Unfortunately, many do not yet have access to the latest technology that will prepare them for higher education and a meaningful career. High-speed internet is no longer a luxury, but instead it is an essential tool for kids to learn, grow and communicate. This is what makes New Charter so important.

New Charter should offer many advantages over our current internet service. The company plans to fully digitize its existing network, speeding up broadband speeds and bringing our region in line with much of the rest of the country. New Charter's slowest broadband speed of 60 Mbps is faster and less expensive than many of the comparable options offered by their competitors. It is also worth noting the company's commitment to network neutrality. For its customers, this means equal access to all parts of the internet without needing to worry about data caps or usage-based pricing.

Investing in new and better technology is a great first step in helping people, but New Charter is going even further with its plans to expand a broadband program for low-income consumers. This program, initiated by Bright House Networks, will be updated with faster internet speeds and made available to more people. This will go a long way in addressing the needs of many underserved families here in Hawai'i.

I also believe that New Charter will also make an excellent partner in our community. The company seems to understand the positive impacts they can make and are determined to help the less fortunate even beyond the typical scope of their business. Their signature "Charter our Community" program will help restore homes around the country that are currently deemed unhealthy or unsafe.

Looking at New Charter's capabilities and commitments gives me confidence that this merger will benefit Hawai'i, our students, and our future.

Sincerely,

R. David Gaudi Jr., Ed.D.
Head of School
Saint Mark Lutheran School

From: Lucille Chun <everydaytaichi@gmail.com>
Sent: Friday, September 18, 2015 2:37 PM
To: DCCA Cable Television
Subject: importance of public access media

I strongly urge you to provide public access to our community. I am a producer of tai chi lessons and will have three one hour weekly broadcasts. There is research that finds there is a segment of society that are home bound and need to exercise safely in their homes. My tai chi lessons are one of the means in which we can reach out to people in the comforts of their home. Tai Chi has proven to be a safe and effective exercise for people of all ages especially the seniors because it helps them with their balance and gives them strength in their limbs. Beyond that it is safe and uplifts their spirits so that they are more confident in their activities and positive in their outlook on life. What a better way to build a strong and healthy community!



everydaytaichi.org



Play Tai Chi
EveryDay TaiChi Lucy
Tai Chi Aloha Around World

From: Emily Takahashi <emilytak@hawaii.edu>
Sent: Sunday, September 20, 2015 9:08 AM
To: DCCA Cable Television
Subject: OLELO building a COMMUNITY

Olelo is an absolutely wonderful program!

They make fantastic things available to anybody interested in the creation of video.

And to be able to air it on public television, it is truly amazing.

I am writing this email to press the importance that what Olelo is doing is building a local community and there is so much positive feedback that goes into the work that they do.

Thank you,

Emily

From: Michael Fahey <mycl7949@yahoo.com>
Sent: Friday, September 18, 2015 6:05 PM
To: DCCA Cable Television
Subject: Olelo

To whom it may concern. As a register voter of the state of Hawaii residing on Oahu I am greatly concerned about on going support for public access TV. It is important for the Olelo charter be able to continue with the freedom and latitude that is currently shaping the ability of this organization to provide the extensive services to our tight knit community. For example local sports, political events, environmental concerns. Those are obvious, it also provides a voice for the nuances of culture craft and the arts. That are of interest to a specific few in a way that would otherwise be denied. Olelo it's self has evolved into a well organized dedicated organization that serves and educates.

Mahalo

Michael Fahey
701 N Kalaheo
Kailua 96734

Sent from my iPhone

From: Matthew Bernstein <magicbottles2003@yahoo.com>
Sent: Saturday, September 19, 2015 9:33 AM
To: DCCA Cable Television
Subject: Producer

I have produced shows for Olelo since 2008.
I am also special education teacher and work for the Department of Education.

While there have been issues and concerns in the past with Time Warner, most were peacefully resolved.

PEG access on the mainland is generally decreasing and there is concern that a mainland company will follow the trends of the mainland in Hawaii. Without honoring and protecting current PEG access agreements currently in place in Hawaii producers like myself will be less able to serve the community through Olelo. This would be a huge personal loss for me and the state of Hawaii.

In this case Hawaii has an opportunity to be a national leader by maintaining and possibly increasing PEG access.

Limiting real voices that offer unbiased information as the government grows bigger and bigger would be one more sign that our country is headed the wrong way.

The DCCA's responsibility on assuring that PEG access will continue and not be decrease is therefore huge. Good luck on making a wise decision.

Matthew Bernstein
Producer
Teacher

From: Leo Hura <leovidpro@hawaii.rr.com>
Sent: Saturday, September 19, 2015 12:27 PM
To: DCCA Cable Television
Subject: Olelo and public access

Aloha Commissioners:

Olelo is unique in that it provides ordinary citizens to gain the skills and utilize them to produce shows in areas of their own interest and they are many and share them with Hawaii's public. Many in the public share the same interests and are happy to see them represented on their channel - public access - which it truly is. Failure to keep this channel open will rob not only producers but also the public from seeing the views of people just like themselves.

The second reason is "diversity" - the epitome of Olelo - offers unique opportunities for all those passionate enough to qualify to produce their own shows. It takes quite a bit of effort to do this and to collaborate - so they have to feel strong enough about their views to make it happen - so these are not let's just make a stir - and leave a mess in our wake. Producers have the passion and now the skill to put forth their views - that's healthy in any society particular during times when there are very divergent views on so many issues - an outlet to maintain societal harmony.

The third reason is the continued and continuous improvement of Olelo capabilities and along with that of Olelo Volunteer Producers - it has been striking. There's plenty of competition out there so the push towards improvements is critical and keeping Olelo going is the way to make this happen.

Keep public access alive through Olelo - as a long term volunteer producer I continue to support Olelo with my programs on avoiding - preventing - resolving various issues by informing - educating - and promoting and I look forward to continued involvement with Olelo as they move forward in this digital age. I urge your support for Olelo.

Mahalo, Leo



CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

2015 SEP 18 P 2: 20

September 17, 2015

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

Attn: Catherine P. Awakuni Colón, Director DCCA

RE: Transfer Application Submitted by Time Warner Cable and Charter Communications for the
Indirect Transfer of Control of Oceanic Time Warner Cable LLC

Dear Director Colón,

I am writing in support of the above-referenced transaction because HAIS believes that the proposed merger of Charter Communications, Time Warner Cable and Bright House Networks into the proposed new company, New Charter, will benefit Hawaii's schools and students.

To prepare students for jobs in the 21st century, educators must be able to engage them in science, math, communications and problem solving. This requires access to the latest Internet technologies both in schools and at home. New Charter has committed to making significant infrastructure investments to ensure that Hawaii's students, regardless of their economic status, will be able to participate in the digital learning environments of today and tomorrow.

New Charter proposes to fully digitize its entire network, including here in Hawaii, which translates into faster broadband speeds. As a result, the company's slowest broadband speed of 60 Mbps will be faster and less expensive than the minimum broadband speeds currently available in our area.

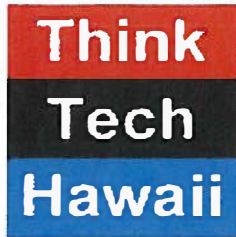
We also appreciate the commitments that New Charter has made to ensure that advanced technology is available to under-served and low-income communities. The company is going to expand on Bright House Networks' program that provides broadband services at discounted rates. New Charter is going to offer faster speeds at the same low prices, and broaden the program across New Charter's entire network. This will be a tremendous opportunity to many families and children in Hawaii who might otherwise lack a quality Internet connection once school is out.

The mission of the Hawaii Association of Independent Schools is to assist its 93 member institutions remain effective in the present and prepared for the future. We believe that the investments New Charter proposes to make in Hawaii's broadband cable network will assist our schools in this respect.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Landau', is written over the word 'Sincerely,'.

Robert Landau
Executive Director



THINKTECH HAWAII, INC.

1001 Bishop Street, Ste 710
Honolulu, Hawaii 96813-3694

THINKTECH STUDIOS

900 Fort Street Mall, Suite 888
Honolulu, Hawaii 96813

Phone (808) 524-0544

Fax (808) 521-7739

thinktechhawaii.com

Jay Fidell

(808) 780-9254

jay@thinktechhawaii.com

CABLE TV DIVISION
DEPT OF COMMERCE AND
CONSUMER AFFAIRS

SEP 16 P 2:51

September 14, 2015

Cable Television Division
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, HI 96809
Attn: Catherine P. Awakuni Colón, Director DCCA

Re: Transfer Application Submitted by Time Warner Cable and
Charter Communications for the Indirect Transfer of Control of Oceanic Time Warner Cable LLC
– Oahu Franchise

Dear Director Colón:

I am the President and CEO of ThinkTech Hawaii, a Hawaii nonprofit digital media company.

I write in support of the merger between Charter Communications, Time Warner Cable and Bright House Networks. ThinkTech was founded in 2000 in order to provide a platform for civic engagement and raise public awareness about the importance of technology, energy, diversification and globalism to the future of Hawaii.

New Charter would be beneficial for Hawaii because it will help our residents and local businesses through increased technological infrastructure and faster, more reliable Internet. New Charter has indicated that it would commit to bringing technological infrastructure to underserved communities. This merger would therefore help bring current technology and infrastructure to Hawaii. New Charter has indicated it would commit to build out one million line extensions into residential areas nationwide beyond where Charter currently operates as well as invest \$2.5 billion to build-out networks in commercial areas.

The merger would also bring faster and more reliable Internet service to underserved areas in Hawaii. New Charter has indicated it would promise faster broadband speeds with a base package of 60 Mbps to enable households to maximize their usage of the Internet without having to sacrifice bandwidth. New Charter has also indicated it would continue Time Warner Cable and Bright House Networks' advanced 300 Mbps service.

Hawaii needs an upgrade in Internet capabilities to help our businesses and families thrive. I believe the merger between Charter Communications, Time Warner Cable and Bright House Networks would help the people of Hawaii by building out more technological infrastructure and providing faster and more reliable broadband services. I therefore support the merger and ask that you lend it your support.

Thanks for your consideration of my views.

Very truly yours,

Jay M. Fidell

Jay M. Fidell
President and CEO
ThinkTech Hawaii

**STATE OF HAWAII
CABLE TELEVISION DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P. O. Box 541
Honolulu, HI 96809
Phone: (808) 586-2620
Fax: (808) 586-2625**

COMPLAINT/INQUIRY FORM

Ms. ()
Mrs. ()
Mr. () David Farrington
Your Name (Complainant)

PO Box 791202
Address (Forwarding, if applicable)

Paia HI 96779
City State Zip Code

(808) 446-0778 ()
Residence Phone Business Phone

COMPLAINT. Please type or print clearly your specific complaint against the cable company/organization (Respondent). Include photocopies of all pertinent documents (contract, letters, billings, receipts, or other relevant documents); and the names and telephone numbers of persons you contacted in trying to resolve your complaint. If you attach a credit card or bank statement, be sure your account number is removed or obliterated. If you need additional space, continue on a separate sheet of paper and attach to this form.

Name of cable company/organization
(Respondent) against
whom this complaint is made: Charter and Oceanic/TimeWarner merger

Date(s) problem occurred: _____

Date(s) complained to the
cable company/organization: _____

Person(s) to
whom you complained to: _____

DESCRIPTION OF COMPLAINT:

Subject: Oceanic/TimeWarner (OTW) proposed merger with Charter Communications.

OTW has been my Internet provider since February 2002. My greatest concern with this merge is increased pricing for service. I pay about \$525 a year to have only Internet at my home, which is a high price for the speed I get. About two weeks ago OTW increased my Internet speeds for the same price. That was nice.

I would like to request that OTW remain my Internet Service Provider because OTW has shown on their on initiative to improve our service. I don't want to take a chance on someone else getting into the ownership thus giving the new owners the opportunity to increase my Internet cost. As I understand the terms of the merger, Charter is paying way more than what OTW stock is worth. Therefore I conclude, Charter will be charging way more to recover their investment.

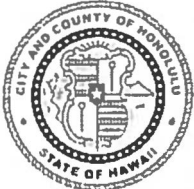
Please do not approve this merger.

An acceptable resolution to my complaint is: (I understand that what I want as a resolution may not be within the authority of your office)

Your Signature

Date

A copy of this complaint may be given to the Respondent. It will also become a public record. If there is information that you feel is confidential, such as an unlisted home telephone number, or Social Security number, please do not include it on this form or any attachment. Thank you.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

ERNEST Y. MARTIN
CHAIR and PRESIDING OFFICER
HONOLULU CITY COUNCIL
DISTRICT 2
TELEPHONE: (808) 768-5002
FAX: (808) 768-1222
EMAIL: emartin@honolulu.gov

September 9, 2015

Ms. Ji Sook "Lisa" Kim, Administrator
Cable Television Division
Department of Commerce & Consumer Affairs
335 Merchant Street
Honolulu, Hawaii 96813

Dear Ms. Kim:

Thank for your letter of August 14, advising the Honolulu City Council (Council) on the proposed transfer of control of Oceanic Time Warner Cable to Charter Communications, Inc. The Council neither supports nor opposes Charter's application for the transfer at this time. However, the Council offers the following comments.

Any acquisition or transfer of Oceanic Time Warner must not degrade or otherwise detrimentally impact support for the PEG structure. The Council currently relies on equipment and technical support from the PEG structure to enable the residents of the City & County of Honolulu to observe the actions of the Council over live community cablevision.

The Council is keenly interested in expanding its original programming for broadcast over PEG channels. To the extent that this transfer would result in enhanced support for the Council with regard to its programming goals, it should be encouraged.

Finally, the Council relies on the expertise and resources of the DCCA, Cable Television Division, to ensure that all public benefits under the Oahu Cable Franchise Agreement are fully transferred to Charter, should its application be approved, and that Charter fulfills all commitments under that agreement.

Please feel free to contact Mark Segami, Council Media Director, at 768-5080 should you have any questions. He can also be reached via e-mail at msegami@honolulu.gov.

Sincerely,


Ernest Y. Martin
Chair and Presiding Officer
Honolulu City Council

Cc: All Councilmembers
Mark Segami, Media Director



Ms. Ji Sook "Lisa" Kim
Cable Television Administrator
State DCCA, P.O. Box 541
Honolulu Hawaii 96809

September 9, 2015

Dear Ms. Kim,

Re: Proposed Transfer of Hawaii Cable TV Franchise to Charter Communications Inc.

I am Leslie Wilcox, President and CEO of Hawaii's statewide public television system, PBS Hawaii, which is celebrating 50 years of life and service in these islands.

We have no previous experience with Charter Communications, Inc. However, we understand that this company establishes itself in each region of service in the same way, with relentless focus on its own corporate goals and practices, and with less regard to the character and customs of the region.

As a Hawaii-owned and operated media organization which cares about our fellow Islanders, we'd like to be assured that a new-to-Hawaii multi-state cable operator will provide access and accountability here. Will Charter continue to provide important face-to-face service, such as that which Oceanic Time Warner provides at its customer centers in Mililani and other locations? Or will Charter do away with accessible and knowledgeable local cable representatives in favor of outsourcing such operations?

I bring three requests on behalf of PBS Hawaii, as the DCCA considers Charter in its bid to become the state's cable television provider:

—As Hawaii's only member of the trusted Public Broadcasting Service and as the Islands' only federally licensed statewide educational broadcaster, PBS Hawaii asks the DCCA to uphold the 1% cable franchise fee now directed to PBS Hawaii. This funding has given us the financial stability to launch the nation's first statewide student news network, HIKI NŌ, with 90 participating schools on six islands, and to expand noncommercial local, national and international programming, including live streaming and interactivity.

—In any shuffle of cable channel designations, we wish to remain alongside other local affiliates of national television news networks.



PBS Hawaii

Bringing the world to Hawaii and Hawaii to the world

PBS Hawaii
September 9, 2015
Page 2

—We ask that Charter comply with a National Digital Cable Carriage Agreement signed by the National Cable and Telecommunications Association (NCTA), which gives a public television station in a cable market up to four streams of noncommercial digital programming on cable TV. This would increase the flow of reliable information and valuable content in Hawaii – in public affairs, culture and the arts, science, history, and of course, our own island heritage and future prospects.

Thank you for this opportunity to be heard.

Sincerely,

Leslie Wilcox
President and CEO
PBS Hawaii



September 8, 2015

Department of Commerce and Consumer Affairs
Cable Television Division
P.O. Box 541
Honolulu, HI 96809
Email: cabletv@dcca.hawaii.gov

RE: Charter Communications LLC/ Time Warner Inc. Oceanic Time Warner

Dear Cable Television Division:

My name is Lisa Maruyama and I am the President and CEO of the Hawaii Alliance of Nonprofit Organizations (referred to as HANO). On behalf of HANO, I am writing to express our support for `Olelo Community Media and concern that Charter serve the public interest and provide continued support for PEG Access by meeting the required commitments in the existing contract currently held by Oceanic Time Warner.

HANO is an organization with over 250 Hawaii nonprofit members. Our organizational goals include building a diverse alliance of nonprofit members, statewide and sector-wide, providing information and resources to the nonprofit sector and being an advocate for the sector. HANO provides training, consulting services and resources relating to strengthening and fostering the development of nonprofits in Hawai'i.

`Olelo's programs support HANO's mission of strengthening and uniting the nonprofit sector to improve lives in Hawaii. HANO and `Olelo have been programmatic partners in the past as `Olelo's public access coverage has included HANO convenings. This type of exposure is vital to the nonprofit sector and public sector at large and `Olelo plays a pivotal role in providing broad coverage and education in its programming related to nonprofit events and issues.

The acquisition of Oceanic Time Warner's cable operations in Hawaii by Charter Communication LLC should not overlook current obligations to the community through public, educational, and government programming. Maintaining access to these channels will continue to allow `Olelo programming to support the nonprofit sector of Hawaii.

The comments made today in this testimony are based both on the working relationship between HANO and `Olelo and the impact `Olelo makes in the community of Hawaii. To experience a reduction in `Olelo's services would be an unmistakable loss.

Thank you for the opportunity to provide written testimony.

Mahalo,
Lisa Maruyama
President and CEO

From: Michele Van Hessen <mvanhess@gmail.com>
Sent: Tuesday, September 08, 2015 1:45 PM
To: DCCA Cable Television
Subject: Testimony asking Charter Communications to adhere to the franchise agreement with Oceanic Time Warner and the State of Hawaii
Attachments: Tesimony_for_Olelo Sept 2015.pdf

Michele Van Hessen

1606 10th Avenue

Honolulu, Hawaii 96816

Cell: 808-227-4332 E-mail: mvanhess@gmail.com

September 08, 2015

Charter Communications LLC

12405 Powerscourt Dr.

St. Louis, MO 63131

RE: Testimony asking Charter Communications to adhere to the franchise agreement with Oceanic Time Warner and the State of Hawaii

Dear Honorable Hearing Committee members:

Approximately, sixteen years ago, 'Olelo Community Television, a not-for-profit organization was formed to manage O'ahu's public, educational and governmental (PEG) access facilities. 'Olelo, at that time, began working with the Department of Commerce and Consumer Affairs, a government agency for the State of Hawai'i, establishing guidelines for providing 1st class video services for the community at large.

Over the years, 'Olelo has established educational facilities at various locations including: Jarrett Middle School, Kahuku Intermediate and High School, Kaimuki High School, Kahuku/North Shore Community Media Center, Leilehua High School, The Leeward Community College, Wai'anae High School, Waipahu Intermediate School and Windward Community College. Under the guidance and supervision of the 'Olelo management and staff the students at these

facilities have gained national awards and recognition. Wai'anae High School students are so creative that they have formed their own "Sea Rider Productions" organization, which accompanied and filmed Governor Lingle's trip to China.

The State Procurement Policy Board has the ability, by a State law, to provide an exemption to 'Olelo Community Television, which works with the Department of Commerce and Consumer Affairs continually to provide excellent video production services to the community at large. I am asking that you adhere to the terms of the present franchise agreement currently in affect between Oceanic Time Warner and the State of Hawaii. It is important to continued support of PEG access because of the top rate services that 'Olelo has and now provides for the community and state.

For the past 10 years, I have used the 'Olelo facilities to direct, edit and produce videos on public, educational and governmental issues for the House of Representatives. The staff is exceptionally knowledgeable and eager to assist anyone of their clients in all aspects of video editing and production. As a professional in the video industry, I can testify that 'Olelo provides the best educational training, equipment and facilities in video for the community at large. The ability to provide this high quality of service takes exceptional knowledge and management, which 'Olelo has consistently maintained.

It is well established that by DCCA directive Oceanic Cable pays a percentage of their gross revenues to 'Olelo to provide PEG access services. Under their stewardship the community and schools have benefited and thereby have access to the finest creative media services in the State of Hawai'i. Please honor their franchise agreement.

Sincerely,

Michele Van Hessen

--

Best Regards,



Michele Van Hessen

E-mail: mvanhess@gmail.com

<http://www.amysteryparty.com/>

Cell 808-227-4332



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

September 9, 2015

Department of Commerce and Consumer Affairs
King Kalakaua Building
Queen Liliuokalani Conference Room
325 Merchant Street
Honolulu, Hawaii 96813

Re: September 9, 2015 430p Hearing - Testimony in Support

Aloha,

I am writing to express my support on the transfer of control of Oceanic Time Warner Cable's Hawaii cable franchises, at the parent level, from Time Warner Cable to Charter.

(http://cca.hawaii.gov/catv/files/2015/07/NoticeofPublicHearings_TWCCCharter_8-14-2015.pdf).

I urge the DCCA to ensure that Charter will adhere to the terms of the present franchise agreement currently in affect between Oceanic Time Warner and the State of Hawaii.

Also, please continue to support of PEG Access (Olelo on Oahu) as it is a valuable resource to my community and constituents in providing broadcasts of public hearings at the Capitol, neighborhood board meetings, and shows that cover various issues important to them.

Mahalo,

A handwritten signature in black ink, appearing to read "Maile".

Maile S.L. Shimabukuro

Office of State Senator Maile S.L. Shimabukuro - Hawaii Senate District 21

Wai`anae Coast ❖ Ko Olina ❖ Honokai Hale ❖ Kalaeloa

415 S. Beretania Street, Room 222, Honolulu, Hawaii 96813

(808) 586-7793 ❖ (808) 586-7797 FAX ❖ senshimabukuro@capitol.hawaii.gov ❖ 21maile.com



CHARTER COMMUNICATIONS

Steven Way to: cabletv

09/01/2015 03:38 PM

Aloha:

I am against the merger with Charter Communications! I lived in Oregon for a short while and had to deal with Charter Communications for my internet and TV. I found them to be absolutely horrible - they blocked access to many sites that were far from controversial, Buddhist Websites that were not in this country - Nepal, Canada, etc. When I emailed or called them about this problem they just ignored me. Very poor customer relationship! We live in a very unique area and have a very diverse citizenry, the last thing we need is someone (company) deciding what is good or bad for us OR what our religious beliefs should be!

Mahalo, Steve

Steven Way
ways001@gmail.com



OPPOSED TO TWC-Comcast Merger

Lawrence J Holbrook

to:

cabletv

09/02/2015 06:53 PM

Hide Details

From: Lawrence J Holbrook <lawrencejholbrook@gmail.com>

To: cabletv@dcca.hawaii.gov,

Dear Sirs and Mesdames,

With regards to your public hearings, I wish to submit the following written comment.

Back in April of 2015, the Comcast-TWC merger was called off. The reasons the merger failed nationally are numerous. All the objections to a national merger are only amplified in the State of Hawaii, an island nation without cable options. I am surprised to hear that they are trying to do this again. I am surprised they are trying to do this in the State of Hawaii.

My personal feeling is that these mega-giant media companies should be reined in by the States and by the Federal government. They are already too big and have monopoly and near-monopoly market share across the country. They should be broken up and competitors should be allowed into the market-place.

With the near monopoly these companies control, cable prices for internet connections with taxes and fees alone are over \$50 per month. Friends of mine who want phone, internet and TV service through their cable providers are paying nearly \$200 per month. In addition, these companies are extorting even more money from their customers by "renting" cable modems at \$5 per month per household when a compatible modem can be purchased for \$20.

There is no natural price regulation in the market place that can handle the services these companies provide. In the grand scheme of things, this is all about human communication. We should all be free to communicate. We should not be slaves to these companies.

I am whole-heartedly AGAINST any more mergers in this already monopolized industry. I am FOR breaking up these monopolies.

Lawrence J. Holbrook
Honolulu, HI