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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

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DEPUTY DIRECTOR

VIA EMAIL & U.S. MAIL

February 1, 2018

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

Dear Mr. Fujimoto:

Re: Letter Order - Digital Transition: Notice to Subscribers

On January 22, 2018, the Department of Commerce and Consumer Affairs (“DCCA”) issued a letter to Oceanic Time Warner Cable (“OTWC”), also known as Spectrum, inquiring about its plan to change the channel placement of the Public, Educational, and Governmental (“PEG”) Access Channels managed by ‘Olelo Community Media on Oahu as part of its digital transition, and the sufficiency of the notice sent to subscribers regarding the transition. As requested by DCCA, OTWC submitted its response to DCCA on January 29, 2018.

Although DCCA understands OTWC’s position that the movement of PEG Access Channels is part of a nationwide channel alignment change, DCCA continues to have serious concerns about the plan, timing and other impacts such a move will have on the communities in Hawaii. DCCA will continue to explore this matter and appreciates OTWC’s willingness to participate in these discussions.

Regarding the digital transition notice sent to subscribers, OTWC states that although the notice contained inaccurate information relating to the capabilities of digital

transport adapters (“DTAs”) to only be able to access channels 2 through 99, the notice was sufficient under federal and state law “because it accurately describes the programming services for all channels, along with their current and post-transition channel position and tier, separately identifying each channel including those channels that will be added.”

However, DCCA finds that notice containing inaccurate information about DTA channel limitations is deficient and constitutes a defective notice that requires corrective action by OTWC. Although OTWC plans to “correct the letter before it is sent to future subscriber groups [and] will provide notice of the clarification to those subscribers who received the original notice,” DCCA does not consider the thirty (30) day notice period satisfied until thirty (30) days have passed from the time an accurate notice is received by the subscriber. Therefore, subscribers that received the defective notice and are scheduled to be transitioned on February 6, 2018, cannot be transitioned until thirty (30) days have passed from the date those subscribers receive the updated accurate notice.

Accordingly, pursuant to Section IV. H. of Decision and Order No. 366 issued on December 17, 2015, and Hawaii Administrative Rules § 16-131-62; DCCA hereby orders that:

1. OTWC shall ensure that all future notices to subscribers regarding the digital transition contains true and accurate information.
2. Subscribers that received the inaccurate notices shall be sent corrected notices by OTWC.
3. The digital transition may not occur until thirty (30) days have passed from the time accurate or corrected notice is received by subscribers that are impacted.
4. As the information becomes available, OTWC shall provide reports and updates to DCCA regarding:
 - A. The dates the corrected and future notices of the digital transition are sent and expected to be received by subscribers; and
 - B. The dates subscribers will be transitioned to the digital platform.

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If you have any questions on the above, please do not hesitate to contact Ji Sook "Lisa" Kim, Cable Television Administrator, at (808) 586-2620. Thank you for your assistance and cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Catherine P. Awakuni Colón". The signature is fluid and cursive, with the first name being the most prominent.

CATHERINE P. AWAKUNI COLÓN
Director

c: Laurence "Buz" Schott, Charter Communications
Kiman Wong, OTWC
Myoung Oh, OTWC
Carlito P. Caliboso, Esq.; Jodi Shin Yamamoto, Esq.
Sanford Inouye, 'Olelo Community Media