

BEFORE THE  
DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS  
OF THE STATE OF HAWAII

In the Matter of the Application of	)	
	)	
<b>GARDEN ISLE CABLEVISION, L.P.</b>	)	Docket No. 90-07
	)	
For Approval of Cable Franchise Renewal	)	
to Provide Cable Communications Service	)	
_____	)	

DECISION AND ORDER NO. 145

On November 26, 1990, the Director issued Decision and Order No. 143 which granted approval of a cable franchise renewal to provide cable communications services to Garden Isle Cablevision, L.P. ("Garden Isle Cablevision") subject to the Terms and Conditions that were incorporated by reference therein.

Upon further review and subsequent conversations with Garden Isle Cablevision, through Rifkin & Associates, Inc., the Director believes that it is in the public interest to amend the public, educational and governmental access ("PEG") capital funds requirement as set forth in Term and Condition 7.3 of Decision and Order No. 143. In lieu of the series of smaller PEG capital contributions required to be paid over the ten year franchise period pursuant to Terms and Conditions 2.1 and 7.3 of Decision and Order No. 143, Garden Isle Cablevision will be required to make a single lump sum payment no later than December 31, 1990 for the initial franchise term of approximately five years. No additional PEG capital funds will be required of the current franchisee if the additional five year term is earned in accordance with Term and Condition 2.1 of Decision and Order No. 143. However, the Director reserves the right to reconsider the amount of PEG capital funds required to be paid in the event of a transfer of the franchise.

Term and Condition 7.3 of Decision and Order No. 143 is hereby amended and superseded by this Decision and Order. Except as amended, the provisions of Decision and Order No. 143 and the Terms and Conditions that were incorporated therein are hereby ratified and approved and shall remain in full force and effect.

**NOW, THEREFORE,** it is hereby ordered that the amendment to the PEG capital funds required by Decision and Order No. 143 be **APPROVED**, subject to the attached Amended Term and Condition 7.3 which is incorporated by reference herein.

DATED: Honolulu, Hawaii, December 19, 1990.



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ROBERT A. ALM  
Director of Commerce and Consumer  
Affairs

### AMENDED TERM AND CONDITION 7.3

Term and Condition 7.3 of Decision and Order No. 143 is amended and superseded to read as follows:

#### 7.3 Facilities and Equipment

(a) Garden Isle Cablevision shall pay to the State, no later than the close of business on December 31, 1990, the sum of one hundred and twenty-eight thousand dollars (\$128,000.00) in full and complete satisfaction of its requirement to provide PEG capital funds on the island of Kauai for the period beginning upon the date of issuance of Decision and Order No. 145 through December 31, 1995. If Garden Isle Cablevision completes the items set forth in Term and Condition 2.1(b) of Decision and Order No. 143, the sum of one hundred and twenty-eight thousand dollars (\$128,000.00) shall continue to be in full and complete satisfaction of its requirement to provide PEG capital funds on the island of Kauai until the end of its franchise, December 31, 2000.

(b) Any PEG capital funds paid pursuant to this paragraph shall not be credited to the Access Fee in accordance with Term and Condition 7.2 of Decision and Order No. 143.

(c) The amount of the PEG capital funds required pursuant to this paragraph may be reconsidered by the Director upon transfer of the franchise.

(d) For purposes of these paragraphs, "PEG capital funds" means the sum of money set apart specifically for public, educational and governmental access facilities and equipment.

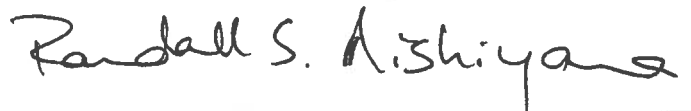
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DECISION AND ORDER NO. 145 in Docket No. 90-07 was served upon the following parties at the addresses shown below by mailing the same, postage prepaid, on this 19th day of December 1990:

Mr. Jack Pottle  
Rifkin & Associates, Inc.  
360 South Monroe Street  
Denver, CO 80209

Mr. William Harkins  
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Randall S. Nishiyama  
Staff Attorney