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

In the Matter of Time Warner)
Entertainment Company, L.P. dba)
HAWAIIAN CABLEVISION)
)
)
)
Updating of Basic Service Rate)
(FCC Form 1240))

AMENDMENT TO DECISION AND ORDER NO. 197 (Amended Rate Order)

WHEREAS, by Decision and Order No. 197 issued on January 28, 1997, the State established the Maximum Permitted Rate for Projected Period at \$7.62 per month for Hawaiian Cablevision's basic service tier as of January 1, 1996 and continuing up to the effective date of Hawaiian Cablevision's subsequent adjustment implemented in accordance with FCC Rules; and

WHEREAS, as stated in said Decision and Order No. 197, Hawaiian Cablevision ("Company") did not carry its burden of proof with respect to its inflation adjustment factor claimed in its FCC Form 1240; and

WHEREAS, the Company's inflation adjustment factor reported on Line C1 of its FCC Form 1240 was inconsistent with the Company's inflation adjustment factor of 2.96% stated in the Company's supporting document attached to its FCC Form 1240; and

WHEREAS, because the Company did not adequately explain or clarify this inconsistency, the State adjusted Line C1 of the Company's FCC Form 1240 to reflect the 2.96% inflation adjustment factor, which adjustment decreased the Company's proposed Maximum Permitted Rate for Projected Period by \$.09 or from \$7.71 to \$7.62; and

WHEREAS, pursuant to paragraph 4 of said Decision and Order No. 197, the State provided the Company the opportunity to submit its calculation and other information used in deriving its claimed inflation adjustment factor within 15 days from the effective date of that order (effective date is January 28, 1997); and

¹See footnote 9 of said Decision and Order No. 197.

WHEREAS, on February 11, 1997, the Company submitted its calculation for its inflation adjustment factor of 4.10% as reported on Line C1 of its FCC Form 1240 filing; and

WHEREAS, after reviewing the Company's calculation and FCC's instructions regarding Line C1 of FCC Form 1240, the Company's claimed inflation adjustment factor of 4.10% is reasonable; and

WHEREAS, adjusting Line C1 of the Company's FCC Form 1240 to reflect the 4.10% inflation adjustment factor, eliminates the \$.09 downward adjustment to the Company's proposed Maximum Permitted Rate for Projected Period ordered in said Decision and Order No. 197; and

WHEREAS, pursuant to paragraph 9 of Decision and Order No. 197, the State may modify said Decision and Order accordingly;

NOW, THEREFORE, pursuant to paragraph 9 of Decision and Order No. 197, Decision and Order No. 197 is hereby amended by (1) amending paragraph 1 thereof by approving the Company's proposed Maximum Permitted Rate for Projected Period of \$7.71; and (2) amending paragraph 2 thereof by establishing the Company's Maximum Permitted Rate for Projected Period for the basic service tier (assuming a 12-channel basic service tier), at \$7.71 per month (exclusive of franchise fees and taxes) as of January 1, 1996 and continuing up to the effective date of the Company's subsequent adjustment implemented in accordance with FCC Rules. Except as amended herein, Decision and Order No. 197 and the provisions stated therein are hereby ratified and shall remain in full force and effect.

Dated: Honolulu, Hawaii March 10, 1997.

Kathryk S. Matayoshi

Director of Commerce and

Consumer Affairs State of Hawaii

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing AMENDMENT TO DECISION AND ORDER NO. 197 was served upon the following parties at the address shown below by mailing the same, postage prepaid, on this 10th day of March, 1997.

MR. RUSSELL SAIKI Time Warner Entertainment Company, L.P. dba Hawaiian Cablevision 200 Akamainui Street Mililani, HI 96789-3999

JOHN T. KOMEIJI, ESQ.
BETH K. FUJIMOTO, ESQ.
Watanabe, Ing & Kawashima
First Hawaiian Center
999 Bishop Street
22nd & 23rd Floors
Honolulu, Hawaii 96813
Attorneys for Time Warner Entertainment Company,
L.P. dba Hawaiian Cablevision

Patti K. Kodama

Patti K. Kodama

Secretary