

BEFORE THE DIRECTOR OF REGULATORY AGENCIES  
OF THE STATE OF HAWAII

In the Matter of the Revocation or )  
Alteration of the CATV Permit of )  
WEST HAWAII CABLE VISION, LTD. ) Order No. 60  
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ORDER TO SHOW CAUSE

WHEREAS, West Hawaii Cable Vision, Ltd., (herein "WHCVL") is the holder of a CATV permit issued as Order No. 31 on September 14, 1973, by the Director of Regulatory Agencies pursuant to the Hawaii Cable Television Systems Law, Chapter 440G, Hawaii Revised Statutes; and

WHEREAS, said CATV permit authorizes WHCVL to construct and operate for a period of twenty years a cable system to provide cable communications services to the districts of North Kona, South Kona and South Kohala on the Island of Hawaii; and

WHEREAS, paragraph 2a of said CATV permit requires that WHCVL shall complete construction of a CATV distribution and origination system and begin service to: "...all potential subscribers desiring service within the above-designated area within fifteen months of the award of this permit..."; and

WHEREAS, WHCVL has informed the Director of Regulatory Agencies that it has failed to provide cable communications services to all potential subscribers in the following communities and areas within its permit area: Keopu Subdivision, Kona Acres, Kona Heavens, Kona Heights, Kona Highlands, Waikoloa, Kona Palisade, Lalamilo Farm, Napoopoo, Puu Nani, Kawaihae/Puako and Milolii; and

WHEREAS, numerous complaints by potential subscribers in the communities of Napoopoo, Lalamilo Farm Lots and Puu Nani Subdivision have been received to the effect that extension of service to these areas is particularly necessary because potential subscribers in these areas do not receive acceptable off-the-air television signals;

NOW, THEREFORE, IT IS HEREBY ORDERED, that West Hawaii Cable Vision, Ltd., shall show cause at a hearing to be held in the Board Room, Second Floor, Kamamalu Building, 1010 Richards Street, Honolulu, Hawaii, on Tuesday, August 8, 1978, at 9:00 a.m., why its CATV permit issued by the Director of Regulatory Agencies as Order No. 31 on September 14, 1973, should not be revoked or altered for failure of WHCVL to comply with its terms and provisions.

IT IS FURTHER ORDERED AS FOLLOWS:

1. The hearing shall be held under the authority of Section 440G-9(6) and Chapter 91, Hawaii Revised Statutes, and Paragraph B, Part II, Chapter I, Title VIII, of the Rules of Practice and Procedure of the Cable Television Division, Department of Regulatory Agencies.

2. The issues involved are:


- a. Whether WHCVL has failed to provide cable communications services to all potential subscribers in the following communities and areas within its permit area: Keopu Subdivision, Kona Acres, Kona Heavens, Kona Heights, Kona Highlands, Waikoloa, Kona Palisade, Lalamilo Farm, Napoopoo, Puu Nani, Kawaihae/Puako and Milolii.
- b. If WHCVL has failed to construct cable communications services to such communities and areas, whether such failure is a violation of paragraph 2a of its permit issued on September 14, 1973.
- c. If such violation has occurred, whether the CATV permit of WHCVL should be revoked or altered under authority of Section 440G-9(6), Hawaii Revised Statutes.
- d. If the CATV permit of WHCVL should be altered, under what circumstances and within what time limits should WHCVL be required to provide cable television services to the aforementioned communities and areas.

3. The Deputy Director of Regulatory Agencies is hereby appointed hearing officer to hear and conduct this proceeding and render a proposed decision and order in accordance with the provisions of Chapter 91, Hawaii Revised Statutes.

4. WHCVL may retain counsel if it so desires.

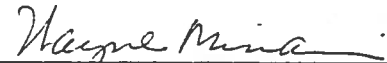
5. A certified copy of this Order to Show Cause shall forthwith be served upon the respondent, WHCVL.

DATED: Honolulu, Hawaii, July 6, 1978.

  
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Wayne Minami  
Director of Regulatory Agencies

DIRECTOR'S CERTIFICATION

I, WAYNE MINAMI, Director of Regulatory Agencies, hereby certify that the attached "Order To Show Cause" is a true and correct copy of the original on file in the Department of Regulatory Agencies.



Wayne Minami  
Director of Regulatory Agencies

DATED: JUL 6 1978

Honolulu, Hawaii