

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

In the Matter of the Revocation or)
Alteration of the CATV Permit of)

KAISER TELEPROMPTER)
OF HAWAII, INC.)

DOCKET NO. 01-82-01
ORDER NO. 91

ORDER

WHEREAS, Kaiser Teleprompter of Hawaii, Incorporated (hereinafter "Kaiser") is the holder of a cable permit issued as Order No. 1 on October 21, 1970, by the Director of Regulatory Agencies (now the Director of Commerce and Consumer Affairs), pursuant to Chapter 440G, Hawaii Revised Statutes;

WHEREAS, Section 16-131-30, Minimum Channel Capacity, of the Department's rules relating to the Hawaii Cable Television Systems Law requires:

"Each such system shall have at least 120 MHz of usable bandwidth (the equivalent of twenty broadcast channels) available for immediate use for the totality of cable services to be offered."

WHEREAS, Kaiser represented in its 1978 rate hearings that its facilities possess a twenty-channel capacity;

WHEREAS, Kaiser has failed to reconstruct its cable system to provide a minimum twenty broadcast channel capacity as required by Section 16-131-30;

WHEREAS, Kaiser's failure to provide the minimum twenty broadcast channels has resulted in:

1. Non-compliance with the requirement that separate channels be maintained for educational, government and access channels; and
2. Limited pay and non-pay program offerings and services especially when compared to other cable communication systems similarly situated in Hawaii; and
3. Limited ability to generate additional revenues from pay and other services which create economies which better enable permittees to improve and expand cable facilities;

WHEREAS, SECTION 16-131-31, Two-Way Communications, of the rules relating to the Hawaii Cable Television Systems Law requires:

"Each such system shall maintain a plant having technical capacity to retrofit for non-voice return communications;"

WHEREAS, Kaiser has failed to reconstruct its cable system to provide a plant having technical capacity to retrofit for non-voice return communications as required by the above Section 16-131-31, Two-Way Communications, of the rules relating to the Hawaii Cable Television Systems Law;

WHEREAS, Kaiser's failure to provide two-way communication capacity may result in:

1. Limiting the potential for the installation of "status monitoring" of the cable system to minimize interruptions in service; and
2. Limiting the potential of the cable communication system as a means of providing inter-active services which would fulfill the promises and visions of its Hawaii Kai Development Company founders regarding its use as a community communications system; and
3. Limiting the potential for the monitoring and control of utility services within the Kaiser service area, and other commercially available applications;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Kaiser Teleprompter of Hawaii, Incorporated, shall file within 45 days of the date of this order the reasons why its cable permit should not be revoked for its failure to comply with the above Sections 16-131-30, Minimum Channel Capacity, and 16-131-31, Two-Way Communications, of the rules relating to the Hawaii Cable Television Systems Law.

IT IS FURTHER ORDERED AS FOLLOWS:

1. Should Kaiser's pleading contain specific capital projects to be implemented with a financial plan and specific dates for implementation, then a hearing shall be held under the authority of Section 440G-9(7) and Chapter 91, Hawaii Revised Statutes, and Chapter 237, Uniform Rules of Administrative Procedure for Chapter 440G, HRS Cable Television Systems of Title 16, Department of Commerce and Consumer Affairs, to resolve the following issue:

"Should the cable permit of Kaiser be altered and under what circumstances and within what time limits should Kaiser be required to: (1) construct a system capable of transmitting a minimum of twenty channels of video programming; and (2) construct and maintain a plant having technical capacity to retrofit for non-voice return communications."

2. A certified copy of the Order shall forthwith be served upon respondent Kaiser Teleprompter of Hawaii, Incorporated.

DATED: Honolulu, Hawaii, December 13, 1982.


MARY G. F. BITTERMAN
Director

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order No. 91 were served upon the following by mailing the same, postage prepaid, on this 13th day of December, 1982:

Kaiser TelePrompter of Hawaii, Inc.
P. O. Box 25608
Honolulu, Hawaii 96825

Mr. Paul Morbeck
District Manager
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Group W. Cable
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New York, New York 10019
Attention: Mr. Jonathan Mintzer



Edwin K. W. Liu