

CABLE TELEVISION DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of)	
)	
HAWAII CABLE OPERATORS)	DECISION AND ORDER NO. 378
)	
Procedures for the Electronic Filing of)	
Reports and Other Documents with the)	
Department of Commerce and Consumer)	
Affairs.)	
_____)	

DECISION AND ORDER NO. 378

I. INTRODUCTION

Pursuant to Hawaii Revised Statutes (“**HRS**”) Chapter 440G, Hawaii Administrative Rules (“**HAR**”) Chapter 16-131, numerous Decision and Orders (“**D&O**”), and Letter Orders, cable operators are required to submit to the Director of the Department of Commerce and Consumer Affairs (“**Director**”) a variety of reports, notices, and other relevant materials concerning the operation of a cable television system. These documents are primarily filed in-person or by mail, in hard-copy form with the Department of Commerce and Consumer Affairs (“**DCCA**”). DCCA also receives electronic documents as emailed attachments, with hard-copies routinely following shortly thereafter.

The Director recognizes that due to changes in technology and the manner in which business is conducted, documents that were previously filed in-person or by mail, in hard-copy form, may pose some unnecessary burdens on the cable operators and their resources. By this D&O, the Director, pursuant to HRS § 440G-12, expressly provides cable operators with the option of submitting certain designated reports and other documents in electronic form to alleviate some of the burdens that coincide with the requirement of hard copy filings.

II. DISCUSSION

With emerging, cost-efficient technologies and services becoming more accessible, DCCA identified areas of improvement that can positively affect how it fulfills its regulatory functions and responsibilities. DCCA has implemented several initiatives endorsed by the State of Hawaii (“**State**”) intended to improve the manner in which government agencies administer their procedures, regulatory responsibilities, and

operations. One of Governor David Y. Ige's ("**Governor Ige**") first goals for his administration was to transform government into a more paperless and digital process.¹ This initiative led to the launch of the paper reduction program implemented by the State Office of Enterprise Technology Services ("**ETS**") and the utilization of eSign Service ("**eSign**").² This service digitizes paper-based process so that the State can conserve resources and expedite business.³ Furthermore, eSign has the ability to reach signers in geographically diverse locations in a quick and efficient way that reduces costs and environmental impact caused by thousands of paper documents produced by the government daily. DCCA adopted eSign throughout its divisions and it has become a vital tool in day-to-day activities and operations for the department.

In addition to developing systems that create more efficiency while preserving resources, DCCA recognizes its processes and procedures may also need to reflect the current reality and technological advances. On March 5, 2020, Governor Ige issued the first of a series of Emergency Proclamations intended to prevent, contain, and mitigate the spread of COVID-19.⁴ DCCA recognizes that the delivery methods offered to cable operators to submit required reports and other documents could be expanded or streamlined to provide greater ease and efficiency, address health and safety concerns, and conserve resources.

HAR §§ 16-131-43 through 16-131-50 and various D&Os and Letter Orders provide that cable operators shall be required to submit a variety of reports and notices at intervals set forth by statute, rule, D&O, and Letter Order.⁵ Historically, cable operators and their representatives have been personally delivering submittals to DCCA or sending them in the mail. Recently, cable operators have been allowed to submit electronic versions of their reports and other documents through email as a courtesy, but still generally maintained the practice of personally delivering or mailing hard-copies.

¹ See 2015 State of the State Address, given on January 26, 2015, available at: <https://governor.hawaii.gov/main/2015-state-of-the-state-address/>.

² ETS decreased paper use through a six-month paper-reduction pilot program involving nine state departments which seeks to improve efficiency by transitioning to electronic reports instead of printing hard-copy documents. See, <https://ets.hawaii.gov/states-paper-reduction-pilot-program-saves-money-resources/>.

³ Governor Ige's Emergency Proclamation for COVID-19, issued on March 5, 2020, available at: <https://esign.hawaii.gov/>.

⁴ Governor Ige's Emergency Proclamation for COVID-19, issued on March 5, 2020, available at: <https://governor.hawaii.gov/wp-content/uploads/2020/03/2003020-GQV-Emergency-Proclamation-COVID-19.pdf>.

⁵ HAR §§ 16-131-43 through 16-131-50 provides that cable operator reports shall file the following reports with the Director: Report on ownership; Report on financial condition; Report on construction; Report on complaints; Report on testing; Report on production and programming activities; Report on interruptions; and Quarterly report.

Pursuant to HRS § 440G-12, the Director has the power and jurisdiction to supervise and regulate every cable operator within the State so far as may be necessary to carry out the purposes of Chapter 440G, HRS, and to do all things which are necessary or convenient in the exercise of this power and jurisdiction. Therefore, the Director, from time to time, may adopt or issue such rules, D&Os, or other directives governing Cable Franchises as DCCA finds necessary or appropriate. This includes expanding the method in which cable operators can submit reports and other important documents.

Based on to the above-mentioned initiatives and circumstances, the Director has determined that it is reasonable to take a step towards streamlining/reforming procedural operations to address a variety of concerns. Expanding the method of delivery to include electronic documents, as a recognized and authorized means of submission, offers cable operators an alternative method of providing information in lieu of the submittal of documents in-person or by mail, with certain exceptions as set forth below.

III. ORDER

Based on the foregoing, DCCA hereby orders that:

- A. Commencing September 1, 2021, each cable operator may expressly file its submittals, notifications, reports, etc. electronically through email, subject to further updates and order by the Director.
- B. Any electronically submitted documents by a cable operator shall be:
 - 1. Sent by email as an attachment to cabletv@dcca.hawaii.gov with a simultaneously copy emailed (i.e., cc) to the Cable Television Administrator;
 - 2. The subject line of the email shall begin with “Submittal by (company name/acronym)” to clearly identify the email as containing an official submittal/filing;
 - 3. Submitted in the form of a readable/accessible PDF file(s) in optical character recognition (i.e., OCR) form that has a file name that clearly identifies the content of the file;
 - 4. Submitted in its entirety, however, should any material be designated as “confidential” and subject to HRS § 92F-13, said material shall be redacted, with an unredacted version of the confidential material submitted as a separate file and identified as such in the file name of the document.

Should redaction be unduly burdensome, the cable operator may remove the confidential material, but shall clearly notate within the document which pages/materials are being removed, and the removed confidential material shall be submitted as a separate file. Additional safeguards to be considered when submitting confidential materials:

- a. Confidential files may be submitted in an encrypted format, provided that an encryption key or password/passcode is made available to access the encrypted files; and
 - b. Each page of the confidential materials should be stamped as “confidential” to identify the material that the cable operator believes is protected from disclosure;⁶
5. Dated and contain all applicable information and authorized signature(s) that would be included if submitted in hard copy form; and
 6. Considered the official filing and not require an accompanying or following hard copy submittal, except as provided herein or as requested by the Director.
- C. Electronic submissions received after normal DCCA business hours (i.e., 7:45 AM to 4:30 PM, except Saturdays, Sundays, and State of Hawaii holidays) shall be electronic file-stamped and considered received on the next DCCA business day.
- D. Applications, submissions, and documents related to HAR Chapter 16-133 are not subject to this D&O.⁷ These filings/submittals shall continue to be provided in the form required prior to the issuance of this D&O.

⁶ DCCA and the State of Hawaii, Office of Information Practices, as applicable, reserves the right to evaluate materials categorized as confidential to make a determination as to whether materials can be disclosed pursuant to public records requests.

⁷ HAR Chapter 16-133 relates to new and transfer cable franchise applications, renewal applications, and the regulation of rates. The delivery and submission methods prescribed for applications and other materials under HAR Chapter 16-133 shall remain in effect and are not altered by the provisions of this D&O.

- E. Except as otherwise provided herein, all other provisions of the respective D&Os, Letter Orders, and directives issued by DCCA shall continue to remain in full force and effect.

Dated: Honolulu, Hawai'i, August 6, 2021.



CATHERINE P. AWAKUNI COLÓN
Director of Commerce and
Consumer Affairs

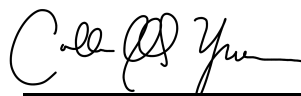
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **DECISION AND ORDER NO. 378** was served upon the following person at the address shown below by mail, postage prepaid, on this 6th day of August, 2021.

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