



Patti K Kodama
07/21/2003 02:12 PM

2003-01

To: cabletv@dcca.hawaii.gov
cc:

Subject: Buck Joiner

— Forwarded by Patti K Kodama/DCCA on 07/21/2003 02:20 PM —

Patti K Kodama

06/06/2003 03:16
PM

To: Clyde Sonobe/DCCA@DCCA
cc: Glen WY Chock/DCCA@DCCA
Subject: Buck Joiner

Clyde,

This guy called and was asking if we were the ones that had control over Akaku on Maui. He said he wanted to talk to someone re the board appointments and whether we appointed the board members. He said previously he was in opposition of DCCA appointing but has since changed his mind and is in favor of it.

He asked if you were still around (does his name sound familiar?) and I told him yes but that you were at a meeting this afternoon. He said no biggie. Could you please call him back a [REDACTED] Thanks.

3. In an orderly fashion, dismantle the DCCA as the Authority for CPATV. Your thrust at this time, rather than pursuing a revised version of the old song, should be a new beginning. We know that the Power Brokers from MCC, HPBS, UH and others who would benefit financially are at your doorstep and are welcomed with open arms as they have been over the years. Party time may be no more. Excuse my sarcasm, but unfortunately these are facts.

4. Confer with the FCC and the State Legislature and do what is right in setting up the Authority in each County. These Autonomous Authorities will then work out equitable funding (division of our 5%) among one another for the betterment of all Hawaiian citizens. The original development of the DCCA as the Authority was promoted by a few Power Brokers backed by a few of their friends in the State Legislature. A fact.

RESULTS

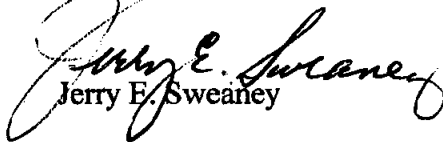
The DCCA will;

1. Relinquish its ½ % allocation to be utilized for better things by CPATV County Authorities.
2. Be able to utilize their infrastructure, offices and other assets for its core function of tending the State's business structure and promoting more commerce.
3. Avoid the continuing controversy that surrounds CPATV, Power Brokers and Greedy Cable Companies, and hopefully put some Power Brokers out of business.

In conclusion, we are Hawaii citizens, and except for those who have been prompted by the Power Brokers, we are loosely structured, not paid employees or recipients of any funds from any organization. Our only lever is our vote. In my case, I am an independent voter. However, I would vote to keep the present Administration in office if a new beginning would take place with CPATV.

Hopefully, Marc, you will read this rather than one of your subordinates from the old blood.

Mahalo


Jerry E. Sweaney

PS I have never had an explanation of where a ½% of our funds goes. 3% to CPATV, 1% to HPBS and ½% to DCCA = 4 ½% out of 5%.

NOTE: Senators and Representatives please work out this problem. Mahalo.

March 4, 1997

Senator Trent Lott
Senate Majority Leader
US Senate
487 Russell Senate Office Building
Washington DC 20510-2403

RE: 47USC Sec. 531 CABLE CHANNELS FOR PUBLIC, EDUCATIONAL, OR
GOVERNMENTAL USE

Dear Senator Lott:

This letter is directed to you primarily because I found in my research that you had been involved with the FCC in matters related to the above referenced item. Being the Senate Majority Leader, you could direct this to your fellow Senators and Congressmen and resolve the major problems that continue to build in this area.

The concept of 47USC Sec. 531 public access/community access television is an honorable one. Even predating the Internet, where the Nation, the Community and Individuals can express themselves without censorship and selection by a higher authoritarian power and also for the passive audience that can select and reject without literally being brainwashed as is the case on other channels. Public access and public viewing of public access is the only avenue for untainted information and entertainment. I salute those who had the far reaching vision.

However, their efforts and grand vision are being bastardized. The Congress failed to establish sufficient parameters for the FCC to follow and the FCC, based on my research, has washed their hands of the the whole program after the Authorities have been appointed in the various States. Individual citizens are told to complain to their local authorities. However, when these local governmental authorities have their own agendas, have funds from public taxes to fuel their agendas, have the infrastructure, secretaries, equipment and other cooperative agencies within the local government supporting their agenda, then the public, the individual has no place in this growing monster.

We only need to highlight a few situations. The tremendous boondoggle in New York vs Time Warner. Baltimore and many constituents throughout the East Coast fighting court battles re: billing methods by the Cable companies. We, here in Hawaii, have many of the same problems. However, individuals are not as tough and well healed as the City of Baltimore, New York and others to fight this battle. The bottom line is that Congress left a wide open door for this kind of abuse by power brokers

We on Maui basically reflect what is going on in our State of Hawaii. We have big problems. I would like to preface these remarks by stating that the general public (from our polls) does not discern the difference between public/community access, c-span and Public Broadcasting Television. This is unfortunate because the local Authority can play with the public's mind relative to this factor.

Take for example our monthly billings for cable. Note; the law states that the local authority can assess to the cable company up to 5% of their gross proceeds for public/community access television. In our case, the cable company is billing this 5% onto the actual bill as extra gross proceeds/income. The Cable companies have shrewdly turned the intent of congress upside down. In addition, in our State, 1% goes to Public Broadcasting TV, 1% goes to the Authority(DCCA), and the balance 3% goes for public/community access. The 3% then is divided between Education (MCC and the DOE), the Government (County Council and Administration) and the public access station. There are many implications here. The most powerful being that Congress and the Authority have allowed the Cable companies to tax/charge the public subscribers for public access with no subscriber input. This is, as in the olden days, taxation without representation.

In the State of Hawaii, the Director of the DCCA appoints all members of any active governing group, board of directors, consortium who then have the power to relegate and regulate what that public/community access station does. In the State of Hawaii, the DCCA wears the hat as the authority for public/community access and in addition wears a controlling hat for HPBS, Hawaii Public Broadcasting. In addition, the Authority/DCCA is under the power of the Governor, the Regents of the University of Hawaii and all the other power brokers. Under these circumstances, how can the public/community access station be autonomous and not be influenced by the power brokers when they hold the purse strings and dictate policy. I have done considerable investigation throughout the States and although the problems and game plans of the power brokers are not exactly the same, the bottom line does not add up to the original concepts set forth by Congress as I see them.

Another example; On Maui we have what is loosely call a Consortium, not a legal entity, appointed by the Authority(DCCA) some 5 years ago. The Consortium has had an ongoing battle withing its group about who controls and has access to the money and what the mission of public/community access should be. Currently, over \$800,000 is in trust and has been for the past several years because these same parties have not been able to come to agreement on how to use these funds and the funds continue to grow. The primary constituents of this Consortium are made up of government representatives, from the local community college (MCC) which is a branch of the Unlversity of Hawaii, from the Department of Education (DOE), from Maui County Government (Council and Administration) and last but not least, two representatives out of the eight, from AKAKU, the local

public/community access television station. All parties have their missions and special agendas but not an agenda for the Public.

Smoke and screen activities have been going on relative to all of the above and of course the power is in the hands of the government as noted earlier and the public and the representatives of the local station, AKAKU, are being hindered from doing what the Congress expected.

Another monster has been released by Congress related to the misuse of the terms Public, Education and Government. I spent many years as a successful teacher in the California Public School System and I am well aware of the importance of Public Schools. From the public outcry, Congress is well aware of our Public School systems across the country and what the statistics and polls reveal. Hawaii is near the bottom of the list. In addition to the institutionalized public system, we do have an equivalent of private schools, colleges, Universities, tradeschools, military schools, the military and so on, which should justifiably be considered under the definition of EDUCATION. The local Authorities across the country have narrowly defined the Education in 47USC as being Public Education which has opened the flood gates to the bureaucrats. The same can be said of the interpretation of Government in 47USC.

I am sure other citizens across our fair lands feel the frustration as I do. Particularly when they see the vision set forth by the originators of 47USC. This vision and action was as brilliant as subscribers to the Declaration of Independence and our Constitution and could have resounding consequences for our future freedoms. It is now time to fine tune this legislation.

I recommend that Congress hold hearings on this matter open to the public so that a breakthrough can be made favorable to the public's interest.

Thank you for your attention.

Sincerely,


Jerry E. Sweaney

TEL [REDACTED]

FAX [REDACTED]

e-mail [REDACTED]

September 27, 1997

Kathryn S. Matayoshi
Director
Department of Commerce and Consumer Affairs
State of Hawaii
P.O. Box 541
Honolulu, Hawaii 96809

RE: Community Public Access Television in the State of Hawaii

Dear Director:

Your "Interim Policy" for the Maui County Consortium mandated by you in September 1996 has had reasonable success. September 1997 is like an anniversary. The Needs Assessment has been ongoing and various agreements within the Consortium have born fruit in many ways.

I feel uncomfortable writing this letter inasmuch as the letter I sent to you on December 7, 1996, had no response from you or your office. I feel that public servants should respond to those who pay their salaries. I do not feel there was an oversight, inasmuch as I talked with your secretary sometime after the letter was sent and she acknowledged receipt of my letter.

I don't mean to be adversarial. I hope that my suggestions may be incorporated in your plans for a great Hawaii Community Public Access Television (HCPAT) system OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE as Congress intended.

Even now in Congress, hearings are ongoing regarding the Telecommunication Act of 1984, its 1992 and 1996 Amendments. They were not completely correct their first time around and I am sure they will continue to fine tune this Act for the PEOPLE unless influenced by the Powerful and Wealthy Cable Companies Lobbyists and other Telecommunication participants.

In my opinion, Mr. Robbie Alm, who has been mentioned many times recently on Akaku and Olelo, did not do justice to the Hawaiian residents when he was the Director. I mention this due to the fact that you have great power, great responsibility and great accountability in this arena. YOU CAN MAKE CHANGES FOR THE BETTER FOR THE TOTAL COMMUNITY. You are not bound by the past or a few bureaucratic insiders. You have the people, the community, behind you if you do what is right. I have learned in my later years as I look at my peers that things come around. I can sleep at night very well.

On page 72 of Jaworowski's "Unscrambling the Signals", I quote;

"(Hawaii) Senate Resolution 65 S.D.1
Eighteenth Legislature

WHEREAS, federal law allows the DCCA to assess up to five percent of the Cable Companies' gross income to fund public, educational and government (PEG) access in exchange for the value given to cable companies to operate using the public rights of way; and

WHEREAS, the congressional legislative intent in assessing five per cent of the cable companies' gross revenues is to insure cable companies contribute to the community; and"

I completely agree with these premises. The rhetoric is beautiful. Mom and pop and apple pie and all that stuff. However, what the congress did not mention was the fact that each cable company was being given a monopoly. In addition, the US Government, in downsizing, has removed the FCC from our State and communication and access to that entity in Washington DC is literally impossible, including the Internet. Now the topping on the cake re: Robbie Alm and fellow Hawaii legislature members and cable company negotiators;

" WHEREAS, the cable companies throughout the State pass on the costs of funding PEG access to the cable subscriber as part of their cable bill;" and so on

NOW YOU SEE IT, NOW YOU DON'T. What about the beautiful rhetoric of WHEREAS above? The cable companies are home free. You, the director, have, in reality, been giving the cable companies a windfall of millions of dollars and a FREE RIDE over the past several years, no matter how you cut it. The public is completely unaware of this fact. We, the public, have been paying your costs of administering our Community Public Access Television. We, the public, who have been contributing on occasions as individuals to Hawaii Public Broadcasting, also, as subscribers have been paying over \$1,200,000 to HPBC's operations. In addition, we have been paying completely for the Community Access operations. Who needs grants?

The cable companies have been paying nothing. Yet they have a monopoly, use our public rights of way, and receive bouquets for being such good corporate community partners. What a deal.

I, and many on Maui, feel as we gain more input that there are many questions regarding the directions being taken by the DCCA and those behind the scenes who are influencing these moves in reference to the future of HCPAT.

I would like to quote from THE SELLING OF THE PRESIDENT (1968) by Joe McGinniss;

"POLITICS, in a sense, has always been a con game.

The American voter, insisting upon his belief in a higher order, clings to his religion, which promises another, better life; and defends passionately the illusion that the men he chooses to lead him are of finer nature than he."

I am a realist. All we have to do is look around and we see the muck. However, only a few are creating it. Most public servants are forthright, honest and good people. Some have their own agendas at whatever the expense to others. However, one person does not act alone.

There are several subjects that have not been covered in this letter. However, I hope that this gives you some insight to WE THE PEOPLE.

Mahalo

Jerry E. Sweaney


P.S. You may want to review my letter dated December 7, 1996

June 13, 1997

TO: Maui Community Public Television Consortium Members
FROM: Jerry E. Sweaney/Concerned Maui/Hawaii Resident

Maui Community Public Access Information

CABLE RATE INCREASE AND ITS IMPACT

	9/96	5/97	2003
LTD BRDCST SVC	8.85	10.01	
EXPND SAT SVC	13.37	14.63	?
HI FRANCHISE FEE ***	.22	.25 1%	
HI ACCESS FEE ***	.67	.74 3%	
HI GEN EXCISE TAX	.98	1.08	
HI HPBA FEE ***	.22	.25 1%	
FCC REG FEE	.04	.05	
<u>TOTAL</u>	<u>24.35</u>	<u>27.01</u>	

Concerns:

1. The Hawaii Franchise Fee 1% is what is paid to the DCCA for administering Community Access Public Television. Keep in mind that an equivalent amount is paid relative to the other counties i.e. Ololo. Big bucks/see below. Does the DCCA really need these big bucks to administer the Community Access Public Television Program in Hawaii, inasmuch as each county has Community Access Public Television non-profit corporations set up for this purpose (i.e. Akaku/Olelo/etc. administering the bulk of the program for its area).
2. The Hawaii Access Fee 3% is what is paid to the county non-profit corporation, (i.e. on Oahu/Olelo and on Maui/the Consortium(note-not a non-profit corporation) divided between MCC (note-not a non-profit corporation), Akaku, DOE(note-not a non-profit corporation), County Government, and other recipients that the Consortium may deem worthy.
3. The HPBA 1% Fee is a portion paid to the Hawaii Public Broadcasting Association/Oahu which has strict oversight of its own programming, not available to public productions without their selection and completely contrary to the principals set forth by our US Congress for Community Access Television which HPBA is not.
4. Paramount to the above contradictions of the purpose and funding of Community Public Access is the FUNDING.

Cable companies receive some of their bread and butter revenues from cable fees as has been shown above(note-this does not include expensive advertising rates that they receive from infomercials and access by other broadcasting companies). The formulae set forth by

the Congress and the FCC is that from those fees that a community cable subscriber pays for access to the cable company, the cable company pays 5% to the entity set up by the FCC to administer and divide that pie (ie. in the State of Hawaii the DCCA is the designated Authority).

1. First of all, on Maui, the Cable company is not deducting the 5% from its gross revenues. It is charging the cable customer the extra 5%(see billing above). It then pays the DCCA or its subparts their 5% from the Cable companies total billing including the extra 5%.

2. The Maui community cable customers, who pay the bill, have absolutely no say in the following items;

- a. The Consortium and its power
- b. Percentage paid to the DCCA for administering the funds
- c. Allocation to HPBA

3. Points to keep in mind;

a. Including all fees collected in Hawaii, approximately

\$ 1,200,000.00 are paid to HPBA per year (1%)

\$ 1,200,000.00 are paid to the DCCA for administering (1%)

(note-there seems to be a discrepancy in the DDCA 1% inasmuch some reliable spokespersons say that the DCCA is only taking 1/2%. However, the cable company is in fact charging the customer for 1%, see above bill.

Is the cable company billing inappropriately??? What is going on?)

Shouldn't we resolve these questions and problems before we get involved in an additional beaurocratic mish/mash such as a State wide H-Scan which seem to have many of the same objectives as Community Public Access Television except with additional multi-layers of authority and could be funded by these same access fees that trouble us today.

What else is on the horizon that we as Maui residents do not have privy to but are paying for??? MCC is expanding its higher education programs and degress and will need more access. Thirteen Universities in the Western US and UH are joining forces in another impenetrable organizations, great for them but questionable for us who pay the bill. Will the DCCA think that theses programs are more favorable and provide the increasing cable funds to these entities at the detriment of Community Public Access in Hawaii and particularly on Maui?? No discussion so far at the Maui Consortium level regarding these matters even though it is very probable that these matters and probably others will impact Maui Coummunity Public Access Television detrimentaly as well as financially.

WAKE UP MAUI...KEEP SPEAKING OUT...

Maui Independent Certified Producers

"MAUI COMMUNITY ACCESS TELEVISION"

WHERE AS:

1. The Maui Community has not been deriving the full benefits from fully funded and expanded community access television as defined in the United States Federal and Hawaii State Laws, and
2. The Maui Certified Producers and future Certified Producers (certified by AMCTV) are being deprived of their rights by exclusion due to restriction on current funding (operational and capital funding). Some of these exclusions include minimal media equipment, limited access to this equipment, limited space for doing in-house productions, limited and inadequate space for doing final productions including editing, dubbing, and inadequate mobile facilities for conducting field productions, and
3. The Maui Community and Certified Producers are being penalized by the exclusion of a third cable channel which would allow for more programming for material that is currently available and increasing, but not accessible to the community due to present community television airing time, and
4. AKAKU: Maui Community Television (AMCTV), a non-profit corporation, duly incorporated in the State of Hawaii with a Board of Directors, Articles of Incorporation and By-Laws, which has set forth its mission as established by the State of Hawaii DCCA (Department of Commerce and Consumer Affairs) authority and
5. AMCTV has been conducting business under a 5 year plan originated by the DCCA and the Maui PEG Access Consortium (Consortium) on a GOOD FAITH basis without a duly signed contract (over 3 years) between AMCTV and the DCCA, and
6. The Maui PEG Access Consortium, made up primarily of Government

representatives appointed by the DCCA as an advisory committee, prior to August 1996 had no rules for conducting business, did not make public notice of coming meetings, had no open meetings to the public, unanimous votes were required on passing of any matter, were not bound or did not recognize the State of Hawaii SUNSHINE LAW, has failed to unanimously reach agreement on recommendations to the DCCA for a contract for the future of Maui Community Television

7. The Maui PEG Access Consortium was originally established as an advisory group to the DCCA to assist in establishing Maui Community Television Access, but has usurped its advisory position over the past years by broadening its scope of involvement and recommendations to the DCCA even though AMCTV has a decision making Board of Directors appointed by that same DCCA and

8. The DCCA and the Maui PEG Consortium have been unable to reach agreement as of September 10, 1996, on a contract (see No. 5 above) between the DCCA and AMCTV. which may detrimentally effect ;

a. the allocation by the DCCA of part of the 5% of gross revenues from the cable franchisees for operational expenses of AMCTV

b. the allocation to AMCTV by the DCCA of the more than \$800,000.00 now held in trust for the benefit of Maui Community Television

c. or may provide the Cable Franchisees a valid argument for compromising their requirements under the law for the payment of 5% of their gross revenues, additional fees for capital improvements and equipment, and the addition of cable channels

d. the Maui Community of many First Amendment Rights benefits

9. Our FIRST AMENDMENT RIGHTS under the Constitution of the United States are being bandied about and fooled with by *SPECIAL INTERESTS*

We, Maui Community Members and Maui Certified Producers certified by AMCTV, hereby PETITION the State of Hawaii and the DCCA on behalf of the Maui Community for the following recommendation;

1. The DCCA should immediately abolish the Maui PEG Access Consortium

2. The DCCA should enter into and complete a contract with AMCTV immediately based on contractual discussions with only the AMCTV Board of Directors
3. That a third cable channel be immediately scheduled for AMCTV
4. That all programming for PEG, with the exception of the MCC channel 12, be made through AMCTV
5. Henceforth, the clarification and definition of PEG, with incorporation of the implied and factual intent in the Federal Cable Communications Policy Act of 1984 should include the following:
 - a. provide electronic communication of the people (public), by the people (public) and for the people (public) devoid of any governmental or commercial interference or control,
 - b. provide a free platform; for individuals or groups to express their ideas (P); for all educational organizations, public, private, religious and others to provide materials and ideas in a structured educational manner (E); for all governmental organizations to provide materials and ideas and, within the community, governmental debates and forums dealing with all facets of government (G). This, hereinafter, will be referred to as PEG (Public, Educational, Government) NOTE: The United States Government, The State of Hawaii Government, the Maui County Government, the Department of Education or Maui Community College should have no control over funding or programming of any materials with the exception of the DCCA in cooperation with its non-government, non-profit Community controlled Maui Community Facilitator, (see 4)
 - c. AMCTV will be the facilitator and programmer for all materials provided under PEG as outlined in (b.) AMCTV will continue to provide to the Maui Community all programs outlined in its Public Access Mission Document and approved by the DCCA.



OFFICE OF THE PROVOST
MAUI COMMUNITY COLLEGE
310 Ka'ahumanu Avenue
Kahului, HI 96732

2003-191

FAX TRANSMITTAL

DATE: 9/09/03

TO: Mr. Mark Recktenwald

FAX#: 1-808-586-2856

COMPANY: Dept. of Commerce & Consumer Affairs

PHONE#: _____

Number of pages including this transmittal sheet: 3

FROM Clyde Sakamoto

PHONE #: 984-3209

Please call the name and number above if you have any questions regarding this FAX. FAX # (808)244-0862.

SPECIAL INSTRUCTIONS:

FILE _____
A _____
E _____
SEP 9 8 11 AM '03
COMM. AFFAIRS
CABLE DIVISION
COMMERCE AND
AFFAIRS

University of Hawai'i

MAUI COMMUNITY COLLEGE

Office of the Chancellor

August 22, 2003

To: Mr. Mark Recktenwald, Director
Department of Commerce and Consumer Affairs
1010 Richards Street, 2nd Floor
Honolulu, HI 96813

First, I would like to express my appreciation for the opportunity to address current issues as well as future concerns for the continued involvement of Maui Community College in providing educational access for the County of Maui. In 1989, the DCCA invited MCC to join with representatives from DOE, Maui County and other nonprofit agencies to design a plan for PEG access for Maui. In 1992, the DCCA established the Maui PEG Consortium as the advisory body to oversee implementation of the access plan and, until the dissolution of the Maui PEG Consortium in 1997, MCC was an active partner in the delivery and management of PEG access for Maui County. MCC's willingness to support the dissolution of the Maui PEG Consortium in 1997 was based on a "gentlemen's agreement" that funding for educational access would continue at prior levels. The allocations from franchise fees for PEG were initially established by the DCCA at an average of 29% for educational access.

When Akaku took over fiduciary responsibility for PEG on Maui, funds for educational access were drastically reduced and for several years (1999-2002) no funds were received at all by MCC or DOE. MCC has been in constant, ongoing negotiations with Akaku since 1997: submitting proposals, exploring possible arrangements, attending Board and committee meetings, always acting in good faith that an agreement could be reached.

In June, 2000, MCC received a letter from the president of the Akaku Board of Directors stating that, "For long term planning and development of educational access in Maui county, Akaku will commit ongoing funding at this fourteen percent level...You can plan your educational access activities with this allocation in mind." With this written confirmation in hand, MCC established advance accounts to cover operational expenses. MCC has honored our commitment to educational access by spending over \$170,000 of institutional funds over the past four years. We did this trusting that the Akaku board would honor their promise of providing 14% funding for educational access. Instead, Akaku has recently voted not to reimburse MCC for monies advanced or to provide any future funding.

As the DCCA looks to create a state-wide plan for the future, we ask first, that the controversy over the fiduciary responsibility of the Akaku Board of Directors be addressed. The current (and ongoing) contract between Akaku and the DCCA states, "Whereas, the Director also understands that as part of the agreements with MCC and DOE, Akaku will provide financial resources for educational access." We would like the DCCA to clarify and enforce (retroactively) the terms of the contract.

Decision and Order #261 clearly states, "Continuing development and availability of educational programs and services for all ages is essential to the further growth of the State's economy as well as enhancing cultural enrichment for Hawaii residents. ...It is in the public interest to provide for the allocation by this Decision and Order, a portion of the PEG access operating funds...for institutional educational access purposes."

The 1997 Community Media Needs Assessment mandated by the DCCA and a 2002 survey by MCC (mailed to every Maui household) both indicate that one of the most important concerns of

Mr. Mark Recktenwald
September 5, 2003
Page 2

our residents is education. With drastic budget cuts at the state level, both higher education and the Department of Education have been challenged to meet an increased public need for education and training with diminishing resources. Lack of financial support for educational access results in a reduction in the quantity and quality of services and instruction MCC is able to offer students and lifelong learners. In addition to academic programming, MCC has responded to the 1997 Community Media Needs Assessment by providing noncredit programming that explores the cultural, economic, ethnic and social diversity of Maui.

During the recent DCCA public hearings on Maui you heard from several concerned citizens about one of these projects. Preserving Our Recollections, an initiative that we are particularly delighted and proud of, was created in 1999 through the academic leadership of our anthropology faculty member. Since that time, over fifty of Maui's elders have been interviewed, sharing their life stories and remembrances on digital video that will be shared for generations to come. The public testimonies reflect the appreciation and value that this type of cultural programming brings to the community. With faculty and student participation, MCC also produces ON MAUI - the only local news and issues show for the county that doubles as a practical lab for students. Our faculty and staff have also produced a series exploring economic development (MAUI WORKS) and HEALTHBEAT MAUI, a series looking at health concerns from prenatal to elder care. All of these programs meet the criteria established by the Media Needs Assessment for community awareness and public education. However, without financial support from PEG resources, these shows have been discontinued, so connections between education/training and employment opportunities and health education and information have been discontinued.

We have the irony of having state of the art facilities and technology without the funding required to take full advantage of their potential to educate our students in our tri-isle community. The DCCA has charged Akaku to leverage resources but the recent decision by their board to withhold past and future funding for MCC leaves little hope for proper utilization of these facilities. Anything that could be done to correct the situation so that a more collaborative approach could be created would be extraordinarily helpful not simply to the college and the higher education agenda but to the community of Maui County itself.

As the DCCA continues the process of developing a statewide plan, we would ask that MCC/UH be involved in any ongoing discussions or meetings. Our former recommendations for a statewide plan included educational access concerns related to all of education's requirements. Having learned of other challenges related to education accessing PEG resources around the state, we now recommend that a statewide educational resolution be sought to assure fair access to PEG resources available to address some of the state's most pressing needs.

We are pleased to be engaged in exploration of the challenges and opportunities before us and hope that an equitable distribution of funds and a leveraging of the considerable media resources that MCC can provide will be used to meet the educational access needs for Maui County.

Aloha,



Clyde M. Sakamoto
Chancellor

Aloha -

Thanks for the phone call last week. I do hope this Akaku-MCC conflict gets resolved soon - so everyone can move forward & work on improving & expanding public, educational & government access.

Please e-mail me ([REDACTED]) or call me at [REDACTED] if you have any questions or comments

I'm interested in the statewide plan & look forward to the future ... exciting possibilities ahead.

Take Care.

[Signature]

August 12, 2003

To: Cable Television Division
Department of Commerce and Consumer Affairs
1010 Richards Street, 2nd Floor
Honolulu, HI 96813

Aloha,

Thank you for creating this opportunity to listen to public testimony about cable access. My name is Kate Sample and I am here today as an individual who has been active in PEG access for over 20 years, as a public producer of individual projects and as a producer and crew member for both government and educational access. I believe strongly in the value and potential of PEG access in providing citizens with local information, entertainment and opportunities.

Until recently, I worked at Maui Community College producing what has been called, "little e" - educational programming that is not for academic credit. Following the guidelines established by the 1997 Community Media Needs Assessment (a study mandated by the DCCA), MCC has produced hundreds of hours of original programming with an emphasis on Maui-based news, economic development, health issues, cultural events and lifelong learning.

I have attended almost every meeting of the Akaku Board of Directors in the past 8 years and frankly, the ongoing conflict over funding between the public and educational sectors has caused me to lose many a night's sleep. Some may think that my concern is because those funds paid for my salary at MCC - and at a certain level of course that is true. However, I am a community-minded person and although I am an advocate for education, I also respect and support the value of public access.

In Decision and Order #261 it states, "Continuing development and availability of educational programs and services for all ages is essential to the further growth of the State's economy as well as enhancing cultural enrichment for Hawaii residents. ..It is in the public interest to provide for the allocation by this Decision and Order, a portion of the PEG access operating funds...for institutional educational access purposes.

From 1992 till 1997, MCC did receive monies for educational access - an average of 30%. The specific amounts were designated by the DCCA. However, since 1997, when Akaku took over management of PEG resources for Maui County, the total amount for educational access has dropped drastically - to less than 9% and for several years we have received nothing. What is most disturbing about this is that it is in direct violation of the contract between the DCCA and Akaku. That contract clearly states, "Whereas, the Director also understands that as part of the agreements with MCC and DOE, Akaku will provide financial resources for educational access." The lack of support from Akaku also ignores the needs assessment finding that educational programming is one of the highest priorities for Maui County.

It isn't clear to me why the contract is not being honored. Nor is it clear to me why the DCCA hasn't intervened and attempted to mediate this long standing conflict. Why hasn't the DCCA terminated or renegotiated the contract to protect the community's interest and needs for educational access? Just imagine for a minute that the situation is reversed and MCC has been designated to oversee PEG operations on Maui. Imagine that MCC receives \$3 million over a 5-year period and that the PEG revenues increase every year. Now imagine that MCC decides to drastically reduce the allotment to

Akaku and for several years does not give any money at all for public access. Imagine that MCC fills the Board of Directors with people who have come forward to testify against funding for Akaku on behalf of MCC. Imagine that hand-picked Board of Directors taking away the voting rights of the only Akaku representative on the board. Imagine them filling vacated seats with people who know nothing about video or PEG access and are often too busy or not interested enough to attend meetings. Can you imagine how this would be viewed by the public?

To add to the frustration, the Akaku Board has not even honored their own motions and decisions. In a letter to MCC from Lynne Woods, President of the Akaku BOD, dated June 30, 2000, Ms. Woods writes, "For long-term planning and development of educational access in Maui County, Akaku will commit ongoing funding at this fourteen percent level ... You can plan your educational access activities with this allocation in mind."

Assured by this letter of intent to continue funding for educational access, MCC's fiscal office set up advance accounts – accounts that were to be reimbursed once the actual contracts were negotiated and signed. MCC submitted fully executable contracts to Akaku but they were not signed or returned. Instead, Akaku presented obstacle upon obstacle to the negotiation process. We were told if we file "this report", the contract will be signed. We filed "this report" but still no contract. We were asked to make a presentation of our operational plans to the Board. We did so, but as was often the case, there was not a quorum to take action. We were told the programming committee was to decide our fate and we would be included in the process. We were never notified of the programming committee meetings. This dysfunctional and undermining behavior has gone on for years. Akaku Board members have come and gone and still no resolution has been made.

MCC has honored their commitment to educational access by spending over \$170,000 of institutional funds over the past four years. They did this trusting that the Akaku board would honor their promise of providing 14% funding for educational access. I think it is appropriate and imperative that the DCCA intervene by terminating their current contract with Akaku, renewing the former contracts with UH/MCC, and renegotiating the contract with Akaku to insure that MCC is reimbursed for funds expended.

All of us would really like to move forward, leave the past behind and look to the future. However, the failure of the Akaku Board to set aside "personality" issues and their total disregard for their contractual and fiduciary responsibility to provide PEG funds to MCC, has left any hopes of collaboration and sharing of resources doubtful. This saddens me deeply.

We are meeting today in a state of the art media center built by public funds. Unfortunately, most of the time the broadcast studio is dark because MCC does not have the resources to hire a production crew. Our edit bays sit with empty work stations gathering dust because we do not have money to buy editing equipment. Our digital media labs are only used for academic classes because we do not even have enough money in our budget to hire part-time lab monitors. This is not leveraging state resources to serve the community.

You asked us to address the issues of sustainability and you suggest that collaboration is the answer but Akaku has not been willing to include MCC as a partner. Akaku was even chastised for this exclusive behavior in a letter on July 6, 2000 from Clyde Sonobe, Cable Television Director for the DCCA to Sean McLaughlin, Executive Director of Akaku. Mr. Sonobe wrote, "... it is unfortunate that input was not received from organizations directly involved with PEG activities. We hope your next draft will include input from the following entities: the Mayor's Office, Maui County Council, Maui Community

College, University of Hawaii, Department of Education, ICSD and Hawaiian Cablevision." This directive was ignored. We were never included in the development of the Access Plan for Maui County.

Akaku has even gone so far as to undermine MCC's productions. In the year 2000, MCC received a 3-year grant to create a local news show, again, one of the highest priorities of the media needs assessment. We joyfully announced receipt of this grant at the Akaku Board meeting. We advertised and held open public meetings to focus and define the process for the show. Instead of offering to collaborate with us, Akaku decided to create their own news show, using Akaku staff and volunteers. They went so far as to recruit and hire a local producer who had previously committed to work on the MCC program. Their show aired two weeks before our first scheduled airdate and only lasted a few months. ON MAUI, the MCC news show, continues to air every weekend night and it has been very gratifying to receive enthusiastic feedback from the community. However, with the grant soon coming to an end, and no monies expected to be received from PEG resources, Maui's only local news and issues show will most likely come to an end.

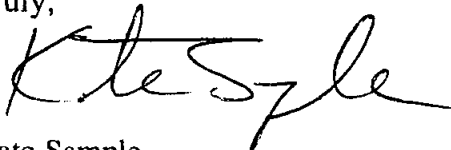
I think the DCCA needs to take immediate action to insure funding for educational access on Maui and to restructure the Akaku board to create an inclusive, collaborative and fair process.

Here are my recommendations for a statewide plan:

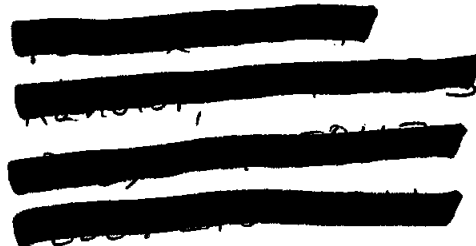
- 1 - Educational access be funded at a state level that reflects the expressed need and priority for lifelong learning, at least 30%.
- 2- A statewide educational access committee be created to insure collaboration and leveraging of resources for educational access.
- 3- Board members for PEG organizations be selected by a committee of representatives from the agencies and organizations that are directly involved with PEG access. Applications to the board can be submitted by anyone. The selection committee will base their appointments on the applicant's experience in PEG access, digital media, or an active commitment to apply their professional expertise to the support of PEG access.
- 4- Funds be designated from the Olelo budget to create a CSPAN style coverage of important civic and cultural events statewide.

Hawaii is blessed with having one of the highest per capita budgets for PEG access in the nation. Our citizens continue to become aware and involved with the training, facilities and programs that are available to them. We have much to be proud of and by working together we can expand and enhance the use of digital media in building better communities and providing opportunities for lifelong learning. Again, mahalo for your time and attention. I hope that the DCCA will continue to provide leadership in creating equitable distribution and leveraging of resources for PEG access on Maui and across our great state.

Truly,



Kate Sample



2003-200



Patti K Kodama
09/26/2003 09:23 AM

.....

To: cabletv@dcca.hawaii.gov
cc:

Subject: Cable Policy - Socializing media access?

"Sean McLaughlin"

[Redacted]

To: "Mark Recktenwald" <mark.e.recktenwald@dcca.hawaii.gov>
cc: "Randy Roth" [Redacted], "Lloyd Yonenaka"

09/18/2003 06:40 AM

Please respond to sean

[Redacted]

Subject: Cable Policy - Socializing media access?

Aloha Mark (fyi Randy and Lloyd) -

Next week I will review more of the public comments received by DCCA regarding the statewide cable planning process. Meanwhile, please share these thoughts as you deem appropriate with the Governor and offer her my support for further discussion:

Looking at recent testimony to DCCA by State education agencies (UH 9/3/03 and DOE 9/2/03), in many ways they are asking you to socialize media access in Hawaii! These State institutions are trying to rationalize the blatant diversion of local community-based resources to their own offices, rather than partnering to create new public, educational and governmental benefits on each island. A shameful money grab by centralized bureaucracies is being proposed!

Currently, community media access in Hawaii is almost completely privatized through DCCA contracts with non-profit 501c3 agencies serving each County. Independent local organizations manage the limited cable franchise resources for each County and are charged to create maximum benefits in the form of public, educational and governmental (PEG) programming services and locally accessible media production resources. For the islands of Maui, Moloka'i and Lana'i, Akaku provides educational access media services directly in our remote island communities.

A different but related public media benefit is also created statewide through cable franchise support to PBS Hawaii (a private non-profit 501c3).

Yet, apparently due to their desparate fiscal situations, UH and DOE are now proposing that major and integral components of community access media and PBS Hawaii, including funding and TV channels, be carved out to fund and support their institutional needs. This is an ill-considered and unwise proposal.

In effect UH and DOE are now asking the Governor to cripple community access TV and PBS statewide in order to sustain their own basic budget needs.

Ironically, while there is always room for improvement, the private organizations contracted to manage PEG access and operate community TV for each County are generally much more accountable to the public in their local communities than the UH and DOE bureaucracies.

There is no rational basis for taking funds away from community-based private non-profit agencies and directing those resources to centralized State educational institutions.

I recommend that you reject the UH and DOE proposal and that you do not de-privatize community access TV or PBS in Hawaii! The public interest will not be served by socializing educational media access in Hawai'i, nor by centralizing management and oversight of educational access TV.

Thanks for your thoughtful consideration of this recommendation.

O wau me ka ha'aha'a,
Sean

Sean McLaughlin
President & CEO tel: [REDACTED]
Akaku: Maui Community TV fax: [REDACTED]
[REDACTED] e: [REDACTED]

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