TO: Mark Recktenwald, Director  
Department of Commerce and Consumer Affairs

FROM: David Lassner

SUBJECT: COMMENTS ON DRAFT PLAN FOR PEG ACCESS

Thank you for the opportunity to provide input on the Draft Plan released on November 26 for which comments are due by December 10. The following comments are provided as a followup to the more substantive formal input provided to you collaboratively by the Hawaii Department of Education, the Hawaii Association of Independent Schools and the University of Hawaii. We represent all accredited education in Hawaii and collectively serve some 300,000 students through the work of 40,000 professionals throughout the State.

We are relieved that the draft plan “does no harm” to education. However, we are also disappointed that it does not make any firm commitments to continued support for education, much less take advantage of any of the opportunities we identified in our statement to strengthen support for what many believe to be the number one priority in our state – education.

We understand that the public hearing process drew attendance primarily from the core “P” constituency which has expressed the most vocal outrage over PEG issues and believes that they are the primary beneficiary of the cable franchise agreements since cable franchise funding is their primary source of revenue. We would note that in the past year the “E” community has collectively provided for more than 10,000 hours of educational access programming. As of September 2003 this programming is now distributed to all neighbor island access centers on a 24x7 basis. Such strides can be largely attributed to consistent and reliable funding of educational access cable. While we are proud of the progress of educational access programming to date, we are also keenly aware that there is much left to do.

We therefore request your consideration of the following specific matters relative to the Draft Plan:

1) We welcome the re-activation of the Cable Advisory Committee. However, we are concerned that an almost purely county-based appointment process may not provide the Director with the kind of broad-based input required to promote a holistic view of cable franchising issues. As noted in our earlier statement and as articulated by PBS Hawaii and the DADS Information and Communications Services Division, many of the benefits of the cable franchises are statewide in nature and go beyond the “P”-related issues that have dominated the current discourse. We urge that the Governor be advised to appoint an advisory committee that is not only geographically representative, but also aware of and committed to the many benefits of the cable franchise beyond “P” access.
2) While we share the DCCA’s interest in greater Public access in rural areas, we would respectfully disagree with the assertion that “Since the INET is largely deployed, expenditures at that level are unlikely to be needed in the future.” The INET is a critical benefit of the cable franchise agreements for the State of Hawaii. As you know, the INET currently provides essential data, voice and videoconferencing services for a broad spectrum of State, DOE, UH and county agencies on a statewide basis. With rapidly advancing telecommunications technologies and increasing demands for electronic services in education and government, we can only expect that we will continue to need to expand and advance the number of sites on the INET. We hope that as these opportunities arrive, as they inevitably will on a continuous basis, that the State, DOE and UH can continue to work together with DCCA to advance Hawaii’s electronic modernization through the INET.

3) The Draft Plan notes the current allocation of two dedicated channels on all islands for Educational programming and the significant milestone achieved in partnership with the PEG access organizations when they agreed to a common channel lineup. In addition, the Draft Plan notes Olelo’s allocation of 25% of its revenue to HENC to fund “E” programming – which is shared to increase statewide educational access on all islands. We request that the Plan strenuously reinforce these commitments, which have been the keys to the success of “E” programming. With the possibility of major changes in governance, e.g., county-based oversight in one or more counties, we are concerned that these current arrangements, which have statewide benefit, could erode as they are not structural commitments. One approach would be to build them into any possible transfer of governance.

We urge DCCA and the Administration to take a broad view of the tremendous potential of the cable franchise agreements as tools to advance the economic and social development of our State and all our communities by increasing educational opportunities for our citizens on all islands, especially those in rural and remote locations. We hope to be able to continue and even improve our public service through the very fruitful and rewarding partnership we have enjoyed with DCCA over many years of work together.

cc: DOE Superintendent Hamamoto
HAIS Executive Director Witt
UH President Dobelle