



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Consumer Protection & Commerce  
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By

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### HB 2652 – RELATING TO PUBLIC, EDUCATIONAL, OR GOVERNMENTAL ACCESS FACILITIES

Chair Herkes, Vice Chair Yamane and Members of the Committee:

Thank you for this opportunity to provide testimony on HB 2652, which would require Department of Commerce and Consumer Affairs (DCCA) to designate separate entities for P, E and G access. It is unclear if the intent is to create separate organizations for each sector for each county. So rather than take a position on this specific language, I would like to provide input from the University of Hawai'i, which has been involved in Educational Access since the implementation of PEG access in Hawai'i. This testimony summarizes and is fully grounded in the input that has previously been provided to DCCA on behalf of all accredited education in Hawai'i during the course of strategic planning by DCCA regarding the future of PEG. That full document, slightly dated, was entered into the public record during DCCA proceedings and can be provided to the Committee on request.

Hawai'i's statewide cable franchising has been a vital component of the ways in which Hawai'i's educational community has served the people of Hawai'i. The University of Hawai'i, Department of Education and Hawai'i Association of Independent Schools have worked together, primarily through the Hawai'i Educational Networking Consortium (HENC) to leverage this opportunity for the people of all islands. The Department of Commerce and Consumer Affairs has been a strong supporter of accredited education and our work since the inception of PEG in Hawai'i.

It should be clarified that as accredited educators, the focus of our Educational Access program is on using cable television and associated resources to provide education services on all islands. This is distinct from the classic vision of Public Access, which focuses on ensuring the first amendment rights of the speaker. And it is distinct from training programs in schools that help students and others learn to produce program to share their voices. We have great appreciation for these important forms of Public Access; these represent a laudable but somewhat distinct mission from Educational Access, which focuses on providing services for the viewer.

DCCA has historically ensured availability of Educational Access cable channels on all islands. Some years back we negotiated with the PEG entities to achieve consistent analog educational channel lineups on all islands. We have recently pioneered the transition of

analog Access channels to digital on all islands but one, where the PEG entity opposed the transition that would have increased the number of educational channels available to their County and would have freed up bandwidth for increased broadband access for customers.

The availability of financial resources from the PEG access organizations to support Educational Access has been less consistent and has been the source of many unproductively contentious discussion over many many years. Currently, 25% of the gross PEG allocations on Oahu and in Maui County are provided to support accredited Educational Access programming. This was achieved only with the support and influence of DCCA and in one case, after the threat of legislative intervention. Under the new process now being implemented for designating PEG entities for each County, we already see attempts by at least one PEG entity to reduce this commitment to accredited Educational Access programming.

In addition to the PEG aspects of the franchise agreement, the I-Net provisions of the cable franchise agreements are critical to serving our under-funded public schools, campuses and education centers statewide, as is the funding support for the I-NET provided by DCCA through franchise fees. This is the source of the required matching funds that enable Hawai'i to execute the current \$44m ARRA project that is bringing fiber optic connectivity at gigabit speeds to public schools, public libraries and UH sites on every island, including inter-island connectivity.

At this time it is probably most useful to share our primary concerns rather than endorse specific solutions without understanding how they might help or hinder our ongoing efforts to increase educational opportunities for citizens on all islands.

Our major concern is ensuring the continuing availability of essential accredited Educational Access resources, no matter how the issues relating to Public access or P programming are resolved. To that end, we would hope that the State's approach to PEG provides for:

- 1) Direct assignment of dedicated channels on all islands for Educational Access programming from accredited educational institutions – with high-quality connections from educational origination facilities into the cable networks. As of this spring, we have achieved this in all counties other than Maui.

- 2) A firm decision institutionalized in public policy that maximizes the level of PEG programming resources allocated to support production of Educational Access programming by accredited educational institutions on these channels -- without continued pitting of Hawai'i's educational community against the proponents of Public Access programming in a zero-sum game that is constantly and contentiously negotiated and renegotiated.

- 3) Continued financial commitment to the Institutional Network to serve the State's public educational and government institutions.

We believe these should be statewide commitments so that we can maximize access to educational opportunities for Hawai'i's people on all islands.

Thank you for your consideration of our concerns on this important matter.