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Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Commerce and Consumer Protection
Tuesday, February 21, 2023
9:30 a.m.
CR 229 & Via Videoconference

On the following measure:
S.B. 1578, RELATING TO CABLE TELEVISION SYSTEMS

Chair Keohokalole and Members of the Committee:

My name is Jamie Sheu, and I am the Acting Cable Television Administrator of the Department of Commerce and Consumer Affairs' Cable Television Division. The Department offers comments on this bill.

The purpose of this bill is to: (1) add considerations for the Director of Commerce and Consumer Affairs to take into account when ensuring that the terms and conditions required for operation of an access organization are fair to the public in its designated service area; and (2) require cable operators to include viewership numbers in its reports to the Director.

With respect to the additional considerations in designations of the public, educational, and governmental ("PEG") access organizations, the bill proposes a new subsection (2) under Section 440G-8.3(f) to have the Director take into account "[t]he economics of providing access in the service area, including but not limited to enabling connectivity and educational training in digital literacy, media literacy, and workforce

development.” As drafted, this new subsection (2) appears to direct the Director to consider placing designation requirements on PEG access organizations to enable connectivity, and to provide digital literacy education, media literacy training, and workforce development.

HRS 440G-8.3 authorizes the Director to designate access organizations in each franchise area to oversee the development, operation, supervision, management, production, and broadcasting of PEG programming (PEG services) for that area. The Department appreciates considerations in setting PEG operating terms and conditions that provide ways in which PEG access organizations may further benefit the communities they serve. The Department recognizes that the PEG access organizations are in a unique position to provide benefits ancillary to the PEG services because the nature of those services require a direct relationship with their constituencies who can provide PEG content for broadcasting. However, the Department also recognizes that any requirements imposed should be directly related to the provision of the PEG services.

For this reason, the Department has concerns that the proposed considerations, as specifically stated, are too broadly worded and far exceed the objective under HRS 440G-8.3 in providing PEG services. The proposed language that the Director take into account “enabling connectivity,” “educational training in digital literacy,” and “workforce development” is too broad, and any additional considerations should include services only to the extent that they have direct and sufficient nexus to the provision of PEG services.

With respect to the proposed amendment of HRS 440G-14 to insert the language “including viewership numbers,” the Department supports this inclusion as a reporting requirement as this information may help to inform future policy making provided that the viewership numbers are submitted as public non-confidential information.

Thank you for the opportunity to testify on this bill.



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FOR: SB1578, Relating to Cable Television Systems
DATE: Tuesday, February 21, 2023
TIME: 9:30 a.m.
COMMITTEE(S): Senate Committee on Commerce and Consumer Protection
ROOM: Conference Room 229
FROM: Roger McKeague, President & CEO

Testimony in **support of** S.B. No. 1578

Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

Aloha and Mahalo for hearing my testimony regarding S.B. 1578. My name is Roger McKeague and I am the President and Chief Executive Officer for ‘Olelo Community Media. I also sit on the board of the Alliance for Community Media, the national membership organization that advocates, promotes and preserves the right to media training, production, distribution, civic engagement and education in support of diverse community voices, through Public, Educational and Government Access channels and other forms of media.

‘Olelo Community Media, as an access organization, is already enabling connectivity and educational training in digital literacy, media literacy, and workforce development. In so much as this bill further clarifies and empowers us in this regard, we support this measure. We do not see how this added reporting requirement

‘Olelo Community Media (a 501(c)(3) Non-profit Organization) was established in 1989 as an organization for social justice to steward Public, Education, and Government (PEG) access across O'ahu and the state in cooperation with our sister PEGs. ‘Olelo actively and continually promotes and provides hands-on media production training, resources, facilities, and services throughout our community, to educate and enable civic engagement through partnerships, volunteering, mentoring, and internships for students, teachers, schools, and our communities. Our long history and thousands of hours of local, educational, public interest and government programming provided by hundreds of community and student producers has enabled our community to share and receive information and develop a widely known and well-established community media access leader, resulting in over thirty (30) years of community engagement and

public trust in `Ōlelo's core public access training, programming, and resources.

Youth engagement in media production and training education is a foundational pillar of `Ōlelo Community Media's public access purpose and mission. `Ōlelo established its annual Youth Xchange Student Video Competition in 2003, and this program has grown into Hawai'i's largest statewide student video competition. Youth Xchange continued to grow and incorporate new technology and digital media for the past twenty (20) years, celebrating the hundreds and hundreds of digital media videos created by our youth. In 2023, `Ōlelo will be celebrating Youth Xchange's 20th Anniversary and in looking back, we realize that `Ōlelo's programs and training are founded in equity and fairness – as we have actively and continually strived to reach all students in Hawai'i, and been successful in steadily expanding our digital outreach and media training across the State. `Ōlelo has provided digital media outreach programs to the schools and digital media hubs in underserved school districts on `Oahu for over thirty (30) years. As a result of this education and community-based strategy, `Ōlelo has annually, and consistently engaged over the past five years, approximately:

- 100+ schools statewide
- 200+ teachers, both media and non-media teachers alike, statewide
- 2,000+ students statewide (cumulatively, approximately 7,500 or more students over the past five (5) years)

In addition to our youth and education programs, `Ōlelo is recognized as digital media and digital literacy resource and hub to the City and County of Honolulu, State of Hawai'i Department of Education, Queen Liliuokalani Trust, Hābilitat Hawai'i, Hawai'i Youth Challenge, and Hawai'i Women's Community Correctional Center, to name a few. For these organizations, `Ōlelo provides workforce development training and mentoring for keiki and kupuna, while teaching them how to create hyper-local stories about the communities where they live. The skills and insights they learn, enable our students and partners to engage in media production, provide access and information to the communities where they live, and in turn, create leaders and key media resources for our communities. `Ōlelo has been the epitome and definition of “digital equity” long before this term was in vogue or fashion.

We continue to expand access to connectivity and educational training in digital literacy, media literacy, and workforce development. In an evolving environment that is continually fragmented, `Ōlelo not only plays a vital role in expanding on these initiatives, but also in ensuring collaboration amongst organizations and communities to ensure access to any and all groups that might otherwise be disenfranchised.

For these reasons, I support this bill. ‘Ōlelo is ready, willing, and able to answer any questions the committee might have. Thank you for this opportunity to testify.



Charter Communications

Testimony of Felipe Monroig

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hawaii State Capitol

Tuesday, February 21, 2023

COMMENTS ON S.B. 1578 – RELATING TO CABLE TELEVISION SYSTEMS

Chair Keohokalole, Vice Chair Fukunaga and Members of the Committee.

Thank you for the opportunity to provide comments on S.B. 1578, a bill that would, in Section 2, newly require that cable operators file viewership numbers with the director of commerce and consumer affairs. This is an expansion of the reports that cable operators already file annually.

Charter respectfully **opposes this bill** as overbroad. As drafted, the bill would require that all of a cable operator's viewership numbers be reported, not just those related to public, educational, or governmental access channel viewership. This would be a significant and unprecedented reporting requirement. Viewership data of programming channels carried by cable operators is highly competitively sensitive. Moreover, cable operators may have contracts with programmers that specifically address the handling and sharing of viewership data, which could be impacted by this legislation.

To address this over breadth, Charter requests amending the bill to strike Section 2 or to limit the scope of that section to only the viewership data on public, educational, or governmental access channels.

Mahalo for the opportunity to testify.