

1 February 2018

Cable Advisory Committee
Department of Commerce and Consumer Affairs
State of Hawai'i
Via e-mail: cabletv@dcca.hawaii.gov

Effective State Regulation of Cable TV Operators - Channel Slamming, etc.

Thank you for considering this brief testimony in support of State jurisdiction to protect consumers and the public interest with regard to cable TV regulation in Hawai'i.

It has been more than two decades since I served on the CAC (two terms appointed by Governor Waihee), so first let me express thanks to the CAC members for fulfilling an important role in the State's oversight for cable operators who utilize the public rights of way in the Islands. As you know, the DCCA is required to consider your input before making decisions impacting cable TV consumers. And when CAC is fully engaged the public interest and consumers can benefit.

Since I have been away from my Island home, I've been working in California, serving on state and national organizations, and become more aware of regulatory situations in other states as well. And the biggest lesson I can share - Hawai'i has among the strongest State laws that retain local jurisdiction and authority, and Hawai'i law gives the DCCA Director substantial authority and real enforcement power to protect consumers and public interests.

If the State of Hawai'i has the vision and leadership to develop strong, innovative and robust community media - the legal framework is in place. But as we learned when the PEG access organizations were formed, you will need dedicated and motivated regulators, backed by legal eagles to do the work with strong guidance from local voices on each island that can help to balance the dominant influence of industry advocates and their absentee owners. Keep in mind that cable and telecom industry advocates are in the State Capitol every day. If they dominate the discourse and provide the only expertise to inform policymakers, Hawai'i will suffer.

Because cable industry owners operate nationally and have access to considerable resources, the State needs to step up and engage the best possible legal and regulatory representation for effective negotiation of reasonable franchise terms and conditions that meet local needs and interests.

Based on gaps in current franchise terms and conditions - such as preservation of local channels' locations - and loss of previously negotiated benefits - such as 50+ fiber network locations for PEG I-Net across County of Maui - apparently the DCCA has poorly represented the public interest, not managed well to provide independent industry oversight. But Charter is

still a new absentee owner, important actions are pending and it is not too late to do the right thing.

Before any further Decisions and Orders are implemented by DCCA, we hope the CAC will ensure that proper, national expert level, representation has been afforded for the public, education and government interests that depend on ethical and informed regulation and enforcement of cable franchises and related broadband media access efforts. Keep in mind that the CAC can make its own testimony to the State Legislature and recommend audits or other actions to ensure efficient, effective and ethical regulation by the DCCA.

The State of Hawai'i is uniquely situated in the nation to provide a positive example where a shared vision and unity of effort across the Islands can be engaged to ensure that all the residents and visitors of the Islands have access to secure open networks that serve all - with media access platforms for Local voices. With such vision, community media operations, State Libraries and other anchor institutions can be engaged as extensions of the private networks' services, or even better as public interested competitors, to help bridge the digital divide.

Thank you for your thoughtful consideration - and please feel free to contact me if there is any support, distant perspective or arcane history, that I can provide. For those I don't know - a short bio is here: <http://www.accesshumboldt.net/site/sean-mclaughlin-short-bio>

Aloha,

A handwritten signature in black ink that reads "Sean Taketa McLaughlin". The signature is fluid and cursive, with a large, stylized initial "S" and "M".

Sean Taketa McLaughlin
Former CAC member
Executive Director, Access Humboldt
C: 707-616-2381
E: sean@accesshumboldt.net