

Honolulu, Hawaii

MAR 29 2018

RE: S.C.R. No. 75
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.C.R. No. 75 entitled:

"SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL
DELEGATION TO ADVOCATE FOR LOCAL FRANCHISING AUTHORITIES TO
RECEIVE GREATER CABLE TELEVISION REGULATING POWER AND FOR THE
FEDERAL COMMUNICATIONS COMMISSION TO PROVIDE CLARITY AND
ALLOW LOCAL FRANCHISING AUTHORITIES MORE DISCRETION REGARDING
THE REGULATION OF CABLE OPERATORS AS IT RELATES TO PUBLIC,
EDUCATIONAL, AND GOVERNMENTAL ACCESS CHANNELS,"

begs leave to report as follows:

The purpose and intent of this measure is to urge:

- (1) Hawaii's congressional delegation to introduce and advocate for federal legislation to provide local franchising authorities with greater regulatory power over cable operators and the regulation of public, educational, and governmental access channels; and
- (2) The Federal Communications Commission to provide clarity and allow local franchising authorities more discretion regarding the regulation of cable operators as it relates to public, educational, and governmental access channels.



Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Ho'omana Pono, LLC; 'Olelo Community Media; and two individuals. Your Committee received comments on this measure from Charter Communications.

Your Committee finds that public, educational, and governmental (PEG) access programming has numerous important public benefits. PEG access programming promotes civic participation through local government cable casts, including broadcasts of legislative hearings and sessions, county council meetings, and neighborhood board meetings, which allows viewers to remain informed of issues affecting communities throughout the State; connects Hawaii's unique communities via discussion and coverage of cultural matters and events; and serves a vital consumer protection function as a tool to alert the public during natural disasters and emergencies.

Your Committee further finds that many of the State's PEG access channels have retained the same channel location for decades, are well-known to viewers, and have been branded by local access organizations for their programs. Your Committee additionally finds that if these PEG access channels are relocated by a cable operator, it will likely result in confusion and loss of viewership. Access organizations that oversee PEG access programming may also find it difficult and cost-prohibitive to rebrand their programs and services with new channel numbers.

However, your Committee notes that federal law limits the regulation of cable services by local franchising authorities and there is a lack of clarity under existing federal law regarding the regulation of cable operators as they relate to PEG access channels. This lack of clarity may limit and cause uncertainty regarding a local franchising authority's ability to assess and make decisions that protect the public's interest. Accordingly, this measure urges the Federal Communications Commission to consider and address these shortcomings and Hawaii's congressional delegation to introduce federal legislation to alleviate concerns over cable operators and PEG access channels.



Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 75, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 75, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



