

OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
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GLEN I. TAKAHASHI
CITY CLERK

December 5, 2018

Mr. Ajit Pai, Chairman
Federal Communications
Commission and Members
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai and Members of the Commission:

This is to inform you that the following Resolution 18-276, opposing the Federal Communications Commission's proposed rules on the regulation of the local cable television franchising process, was adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, December 5, 2018. As directed by the Resolution, a copy is attached for your information.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen I. Takahashi", is written over a circular stamp that partially obscures the name.

GLEN I. TAKAHASHI
City Clerk

II

Attachment



RESOLUTION

OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION'S PROPOSED RULES ON THE REGULATION OF THE LOCAL CABLE TELEVISION FRANCHISING PROCESS.

WHEREAS, 'Olelo Community Media ("Olelo") is the public, educational, and governmental ("PEG") access provider in the City and County of Honolulu ("City") pursuant to an agreement with the State Department of Commerce and Consumer Affairs ("DCCA"); and

WHEREAS, 'Olelo, which has four PEG cable channels and two video-on-demand PEG channels, achieves its mission of strengthening island voices and advancing community engagement through the airing of noncommercial programming with unique and local stories from hundreds of dedicated community producers; and

WHEREAS, for nearly three decades, 'Olelo has successfully empowered, equipped and engaged residents from keiki to kupuna, nonprofit organizations, and government agencies with six media service centers conveniently located throughout the island of Oahu; and

WHEREAS, 'Olelo's media centers provide training, equipment, and facilities that empower our youth, adults, seniors, teachers, and nonprofit organizations to create and share their unique stories, resulting in over six thousand hours of original programming annually and over one hundred twenty thousand hours of locally produced programming since 1989; and

WHEREAS, 'Olelo has been producing and providing live and tape-delayed cable programming covering City and community activities, events, meetings, and issues, and ensuring free and open public access to information about our City and community for more than three decades; and

WHEREAS, PEG access and programming enables the City to connect the residents and community members with coverage of not only City Council ("Council") proceedings but also various commission and public meetings, including Honolulu Authority for Rapid Transit and neighborhood board meetings; and

WHEREAS, in addition to coverage of local government hearings, meetings, and proceedings, 'Olelo also provides programming and coverage of cultural, social, educational, and community events throughout the State of Hawaii; and



RESOLUTION

WHEREAS, on September 25, 2018, the Federal Communication Commission ("FCC") released a Second Further Notice of Proposed Rulemaking ("Proposed Rules") under MB Docket No. 05-311 (In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992), proposing new rules regulating the local cable television franchising process; and

WHEREAS, the FCC's Proposed Rules will classify certain obligations in a franchise agreement negotiated between the cable operator and local franchising authority as "in-kind contributions," including most costs associated with PEG access channels, institutional networks ("INET"), connections to schools and libraries as part of, or included as, franchise fees and thus subject to five percent cap under the federal Cable Communications Policy Act of 1984 ("Cable Act"); and

WHEREAS, the Council believes the FCC's proposed definition of cable-related, in-kind contributions is overly broad and ambiguous and that the FCC's Proposed Rules will severely and adversely impact or possibly eliminate PEG access resources, INET capacity, and services within the City, throughout the State of Hawaii, and across the nation; and

WHEREAS, INET provides substantial interconnection capabilities to and between virtually all locations of Hawaii State government and public education operations for their sole use and benefit, which is especially important in light of Hawaii's geography, with operations spread over all major islands, making unaffordable the option of purchasing such services between the two cable competitors in the State; and

WHEREAS, public, governmental, and educational entities have a long history of highly beneficial reliance on the contractual provisions established and enforced by the DCCA, under the authority of the Cable Act; and

WHEREAS, PEG access and INET capacity fulfills one of the Cable Act's explicit goals of providing cable access to all Americans, regardless of their socio-economic status, and is an indispensable part of fulfilling the City's communications and community engagement efforts to extend educational and social services across the island and connect with our culturally diverse communities; and

WHEREAS, the Council believes that the FCC's Proposed Rules threaten to limit or eliminate existing access, programming, and services that enhance government transparency and better inform and engage our communities; and



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No. **18-276**

RESOLUTION

WHEREAS, the Council feels that PEG access resources and INET capacity are invaluable public benefits that flow directly to our residents, and that any rulemaking undertaken by the FCC should be done to protect and preserve such public benefits, now and for future generations; now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby expresses its strong opposition to the Federal Communications Commission's Second Further Notice of Proposed Rulemaking under MB Docket No. 05-311, and its tentative conclusion that cable-related in-kind contributions are franchise fees; and

BE IT FURTHER RESOLVED by the Council that it hereby strongly urges the Federal Communications Commission to reconsider and refrain from adopting its proposed rules under its Second Further Notice of Proposed Rulemaking under MB Docket No. 05-311, or exempt the State of Hawaii from these proposed rules; and



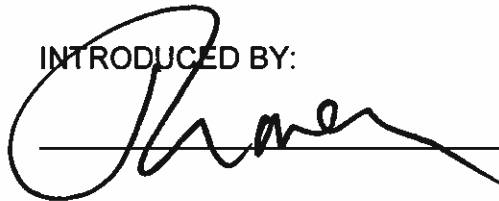
CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 18-276

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Governor of the State of Hawaii, Mayor of the City and County of Honolulu, Director of the State Department of Commerce and Consumer Affairs, Commissioners of the Federal Communications Commission, 'Olelo Community Media, and to each member of the State of Hawaii Congressional delegation

INTRODUCED BY:



DATE OF INTRODUCTION:

NOV 27 2018

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 18-276

Introduced: 11/27/18 By: RON MENOR

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION'S PROPOSED RULES ON THE
REGULATION OF THE LOCAL CABLE TELEVISION FRANCHISING PROCESS.

Voting Legend: * = Aye w/Reservations

11/27/18	EXECUTIVE MATTERS AND LEGAL AFFAIRS	RESOLUTION ADDED TO THE AGENDA. CR-387 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
12/05/18	COUNCIL	CR-387 AND RESOLUTION 18-276 WERE ADOPTED. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ANDERSON.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


GLEN I. TAKAHASHI, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER