

September 15, 2015

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Re: Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services (DN MB14-261)

Dear Ms. Dortch:

I am writing on behalf of Maui County Community Television dba Akaku Maui Community Media, Maui County's only TV station and premier non-profit media organization. We program 3 cable channels reaching 54,000 homes on 3 rural islands; a low power radio station (KAKU 88.5 FM) and operate several media websites (akaku.org) We are a beacon of free speech in a media universe dominated by big government and corporate points of view. Maui Community Television is an oasis where people turn for the straight dope on just about anything. Most of it local, all of it first come, first served, non-discriminatory, uncensored and unfiltered. Our mission is to *Empower the Community's Voice through Access to Media*

We feel strongly that in this rulemaking the FCC will open the door for cable television companies to use multichannel video programming distribution services (MVPD) as a mechanism to circumvent the payment of franchise fees for the use of valuable local rights of way. We think that this will happen if the FCC does not adopt specific language in this rulemaking to prevent it.

Unlike any other media in existence, including all the siren song applications on the Internet, PEG Access TV is where the *principles of localism, diversity of viewpoint and true electronic democracy* thrive in a commercial free marketplace of ideas. This is participatory people's media unfiltered by corporate spin and is as fundamental to our republic as local newspapers once were. This fully local resource encourages participation between and among all ethnicities, allows diverse points of view to be expressed and provides value for all people irrespective of literacy and education levels. In its finest expression, in hundreds of communities it brings tolerance, cultural

understanding and knowledge. It brings government and life-long education closer to the people. Most importantly, it brings people closer to each other.

Local PEG Cable Access Channels and local Community Broadband efforts deserve the highest priority for funding from cable and indeed all telecommunications carriers as rent in exchange for use of the Public Rights of Way. If we allow only non-local legacy media giants like Comcast, Time Warner and Disney, and new communications behemoths like Facebook and Google dominate the media landscape, we will create a future where they will displace the local "electronic commons" we desperately need to give meaningful voice to the cultural, civic and economic life and character of real people in local communities all across America.

We are concerned about the negative impact the proposed rulemaking (DN MB 14-261) will have on our non-profit organizations and businesses and on our ability to provide essential Public, Educational and Government (PEG) Access services to our community. We are particularly concerned about the rulemaking's proposal to classify over-the-top (OTT) video services provided by cable franchise holders as something other than a "cable service." We are convinced that such a designation will allow cable franchise holders to undercut their public interest obligations by avoiding the payment of franchise fees to support Public Access media.

In communities such as ours, well-funded PEG Access channels are essential to the local informational needs and interests of our people. Additionally, since our County is made up of three islands separated by water, these channels are in many cases the only way most people see local and state government in action.

Everyone knows technology is evolving at blinding speed and what we used to call "TV" is being delivered everywhere and on every device. Internet Protocol TV (IPTV) delivery of multichannel distribution of video content Over the Top (OTT) travels on the exact same infrastructure that carries cable video content. Semantics or how the signal is configured should not be used to avoid funding community communication and cable regulation. The FCC must recognize this and mandate that PEG channels are fully funded for the term of any existing or new cable franchise at minimum present day levels and displayed in the same manner with the same accessibility local broadcast channels in analog, digital, HD, on every tier and on-demand on every device.

Non-profit, non-commercial community access centers are essential to the health of a democratic society particularly in underserved areas with no local media representation. For a vast majority of our citizens in Hawaii, PEG centers provide resources people can use to actively participate in civic engagement, learn media literacy and acquire high quality media training. PEG facilities deliver essential lifeline services for free or at very low cost. These hands on experiences and on site media skills are not available on the Internet in libraries or in schools. On Maui, we provide successful face-to-face training and internships for hundreds of people and have received awards for training and employing disadvantaged and disabled members from our community. We give voice to

a diverse, multi-cultural population not based on ability to pay and our nationally renowned youth programs are providing kids with jobs in new media.

Some people are of the opinion that the Internet can simply replace PEG, but in fact, our real world experience is proof that it cannot. Congress and the FCC realized at the dawning of the cable television era forty years ago that marketplace forces were deficient in fully meeting local community communications needs. This is precisely the reason why they created PEG as an antidote to the oncoming cable monopoly. The vast concentration of corporate media ownership we see today has exacerbated the problem so much now that, in many markets, there are no competing marketplace forces in play at all. In most places there are few or no electronic media that can be characterized as representative of the communities in which their signals operate. How ironic that as a result of this rulemaking, increased competition for programming services on an "unmanaged" wire; a wire still owned lock stock and barrel by a monopoly cable broadband company, will be used as a rationale that could possibly deal a crippling blow to fully local community communications.

As technology develops, it is essential that the PEG community media funding paradigm extend to broadband as well. Our ability to communicate effectively with each other will only succeed if the fullest range of local community communications needs such as access to bandwidth, tools, skills and ideas on a fast, open internet are met for ALL residents at reasonable cost. PEG access centers already in place, will provide cost effective resources and tools to accomplish these goals, help to close the digital divide and bring digital literacy to all.

This is particularly important because our PEG center, Akaku, has been an early adopter of real world broadband applications. Not only were we the first media organization in Hawaii to stream video in the late nineties, we were also innovators in 2007 with the first live, simultaneous multicasts via radio, television and web broadcasts of events of public importance to the entire state. We were among the first in the nation to deploy live cellular bonding TV technology in 2011 and continue to stream our channels via the Internet to the state and world at large. We were among the first in the nation to integrate live TV broadcasts with "Skype" technology and we provide our Maui Nui residents with one of the more successful and innovative new media and video training programs in the nation.

The issue of cable franchise fees and by extension, future broadband fees, universal service fees, or other fees being assessed for public interest use in exchange for the use of public rights of way is a fundamental tenet of U.S. Communications Law. This is the reason why we have public access channels on cable today. This local, non-commercial, non-corporate communications systems exist because the government intervened in the marketplace to charge monopoly cable companies "rent" for the use of our airwaves and our public property. Already in some jurisdictions, this fundamental right of local communities to express themselves through access to media has been severely eroded. We have seen diminishment of PEG access stations in several states fueled by a sophisticated lobbying campaign by media conglomerates such as AT&T,

Comcast and Time Warner and there are state and local governments rolling back public interest obligations of cable and telephone companies under massive industry pressure and influence.

As Congress and the FCC have recognized, we will see new digital protocols for delivery of many services, which will require an adjustment to the current regulatory framework. Whatever happens in this docket, we are asking the FCC to step in and safeguard local non-commercial media's ability to communicate effectively in these new environments by providing specific baseline language for a healthy, funded PEG migration to broadband

We believe strongly that there is a place for non-commercial, fully local, community television, new media and high-speed Internet access as a natural extension of the PEG concept over the top or any place else. We ask the Commission not to diminish these vital PEG public interest requirements as it considers this proposed rulemaking.

Respectfully submitted.

Jay April

President and CEO

Akaku Maui Community Media

333 Dairy Road Suite 104

Kahului, Hawaii 96732

Email: jay@akaku.org

Tel: 808 283 8391

Cc: Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly