

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re:)	
)	
Mauna Kea Broadcasting Company)	
)	CSR-8682-M
Must-Carry Complaint Regarding)	
Television Station KLEI(DT),)	MB Docket No. 12-197
Kailua-Kona, Hawaii)	

To: Office of the Secretary
Attn: Chief, Media Bureau

REPLY TO OPPOSITION OF HAWAIIAN TELCOM SERVICES COMPANY, INC.

MAUNA KEA BROADCASTING COMPANY, INC.

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street, Suite 1100
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(703) 812-0400

August 15, 2012

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SUMMARY

Mauna Kea Broadcast Company, Inc. (“Mauna Kea”) requests that the Commission deny the Opposition of Hawaiian Telcom Services Company, Inc. (“HTSC”) filed in opposition to Mauna Kea’s Must-Carry Complaint regarding local commercial television station KLEI-TV and promptly order HTSC to begin carriage of KLEI within the Honolulu, Hawaii Designated Market Area (“DMA”). HTSC’s Opposition is without merit, relying on fundamental misunderstandings of the Communications Act, Commission Rules, and even basic facts.

HTSC’s assertions regarding KLEI’s delivery of a good quality signal are misplaced, as Mauna Kea has, in compliance with all Commission regulations, confirmed that it will deliver such a signal through alternative means. HTSC’s opposition also relies on claims regarding the local nature of KLEI’s programming that are entirely incorrect and completely irrelevant to Commission evaluation of a must-carry complaint. In claiming the “sole discretion” to determine the stations it carries, HTSC attempts to unilaterally rewrite the must-carry obligations embodied in the Communications Act.

HTSC’s claim that it cannot carry KLEI on its virtual channel number are based on a bizarre assertion that another local station broadcasts on that channel, an assertion that is at odds with that station’s license and the Commission’s own records. Similarly, HTSC’s assertion that it was not properly served with the Complaint is specious at best, as the Complaint was served on the very address from which HTSC had replied only days before.

Finally, HTSC’s claim that it is somehow exempt from the must-carry rules is directly contrary to the clear language of the Communications Act and the Commission’s Rules, and contradicts certifications HTSC itself made to the State of Hawaii in obtaining a franchise allowing it to operate a cable system.

Under the terms of the Communications Act, the Commission's Rules, and HTSC's own franchise, HTSC is clearly subject to the must-carry rules. Application of those rules requires that HTSC carry the signal of KLEI in furtherance of the must-carry regime's goals of preserving free, over-the-air television; promoting the dissemination of information from numerous sources; and promoting fair competition.

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REPLY TO OPPOSITION OF HAWAIIAN TELCOM SERVICES COMPANY, INC.

Mauna Kea Broadcasting Company, Inc. (“Mauna Kea”) hereby replies to the Opposition of Hawaiian Telcom Services Company, Inc. (“HTSC”) filed in opposition to Mauna Kea’s Complaint requesting that the Commission order HTSC, doing business as Hawaiian Telcom, to carry local commercial television station KLEI-TV, Kailua-Kona, Hawaii (“KLEI”) in accordance with the Commission’s must carry rules and policies within the Honolulu, Hawaii designated market area (the “DMA”). HTSC’s Opposition is based on a fundamental misunderstanding of the Communications Act and the Commission’s must-carry regulations, as well as numerous facts regarding KLEI, other broadcasters serving Hawaii, and even HTSC’s own regulatory status. As set forth in more detail below, each of HTSC’s five purported reasons to deny the Complaint is fundamentally flawed and must be rejected.

I. MAUNA KEA HAS AGREED TO DELIVER A GOOD QUALITY SIGNAL IN FULL COMPLIANCE WITH COMMISSION REQUIREMENTS.

HTSC first asserts that KLEI does not deliver a good quality signal to HTSC’s headend. While technically correct with regard to KLEI’s over-the-air signal, this is irrelevant. The Commission’s rules require only that a station either deliver a good quality over-the-air signal or

agree to deliver such a signal through alternative means.¹ Nowhere in the Commission's rules is there any requirement that a station specify in its complaint how it intends to deliver such a signal. Nor do the Commission's rules, despite what HTSC seems to believe, require any specific type of alternative delivery mechanism with which KLEI's signal delivery can be "consistent." Nonetheless, to avoid any confusion, Mauna Kea clarifies that it will deliver its signal to HTSC's headend through a fiber connection.²

HTSC also appears to be confused as to the borders of the Honolulu, Hawaii DMA. HTSC states that the DMA "technically includes part of the island of Hawaii."³ In fact, the DMA includes the entire island, and indeed the entire state, of Hawaii. As such, under the Commission's rules, absent a modification of its market, KLEI is entitled to carriage throughout the state. No such modification has been made, and as a result, HTSC is obligated to retransmit KLEI's signal.

II. HTSC'S CLAIMS REGARDING KLEI'S PROGRAMMING ARE INCORRECT AND IRRELEVANT.

The primary argument HTSC appears to be attempting to advance in its Opposition is a claim that because HTSC does not believe KLEI's programming serves the local needs of residents of Oahu, HTSC is somehow unilaterally entitled to deny carriage to KLEI. Not only is the factual basis for this claim entirely incorrect, it is premised on a fundamental misunderstanding of the Commission's must-carry rules. Under the Communications Act and the Commission's Rules, a commercial television station is entitled to carriage on all cable systems throughout its local market.⁴ Absent official Commission action, a television station's local market is the entirety of its

¹ 47 C.F.R. § 76.55(c)(3).

² See Declaration of Dr. Christopher Racine, attached as Exhibit 1 hereto.

³ Opposition at 2.

⁴ 47 C.F.R. §76.55; see also 47 U.S.C. §534.

Nielsen DMA.⁵ Although there are procedures in the Communications Act and the Rules by which parties may petition the Commission to modify a station's market, there is no provision that allows a cable operator such as HTSC to (a) unilaterally determine that the Communications Act does not apply to it and, pursuant to such a misguided determination, (b) redefine a station's market.⁶

This is, however, precisely what HTSC has attempted to do here. As HTSC stated in its initial letter denying Mauna Kea's carriage request, HTSC believes that the definition of the DMA is somehow "not relevant" to carriage of KLEI; rather HTSC feels that HTSC may, in its "sole discretion", determine what stations to carry.⁷ These assertions are directly contrary to the must-carry requirements as set forth in the Communications Act and the Commission's Rules, and HTSC should not be allowed to flout the law in this manner.

Moreover, HTSC's assertions regarding KLEI's programming are factually incorrect. As shown on the attached program schedule, KLEI broadcasts more than 17 hours of locally-produced programming each week.⁸ Due to the unique nature of the Hawaiian Islands, the issues addressed in those local programs are important to residents of *all* the islands. That is particularly so in light of the fact that KLEI is the only television station in the state off of the island of Oahu that produces any local programming. The importance of this programming was recently emphasized when irregularities occurred at polling places on the island of Hawaii during primary elections held

⁵ 47 C.F.R. §76.55(c), (e); 47 U.S.C. §534(h)(1)(C).

⁶ Although HTSC is correct that Time Warner Entertainment Company, L.P. has filed a petition for modification of KLEI's market, HTSC itself has made no such filing. Moreover, as Mauna Kea will demonstrate in its response to Time Warner's Petition, that Petition should be denied.

⁷ Letter of Ernest Villicana to Dr. Christopher J. Racine, dated June 25, 2012, submitted as Exhibit 2 to Mauna Kea's Complaint ("Carriage Denial Letter").

⁸ See KLEI-TV August Program Schedule at Exhibit 2. Local programs are highlighted in yellow.

August 11.⁹ Although these events were clearly important to residents throughout the state, as shown by coverage in Honolulu print media, at the time the events were unfolding, KLEI was the only television station providing first-hand information using the cameras and reporters it had at various locations on Hawaii.

Moreover, KLEI devotes significant coverage to issues and events arising on those other islands as well. The *O'ahu Mayor's Report*, for example, is a 30-minute weekly program in which Mayor Peter Carlisle of Honolulu discusses important issues in the City of Honolulu and on the island of O'ahu.¹⁰ Viewers are encouraged to e-mail questions on issues they would like the Mayor to address. Similarly, the weekly program *City News* reports on news stories and events occurring in O'ahu, the state capital. *Eye on Hawaii* provides weekly reports not only on Hawaii, but also on Maui, Kauai'i, and O'ahu, covering issues important to residents of all of the Hawaiian islands.

Programs on KLEI also address issues of particular importance to Native Americans, including Native Hawaiians, living throughout the state. KLEI-produced *Native Ways* frequently addresses issues important to residents throughout the state. During the episode aired the week of June 2, 2012, for example, co-host (and KLEI General Manager) Chip Begay, a Native American, interviewed Native American artists from O'ahu, Maui, and Kauai'i. He discussed powwows on all Islands and comparisons of Native Hawaiian and other Native American cultures.¹¹ *Native Ways* also addresses issues of particular importance to Native Hawaiians, including health issues such as

⁹ See Derrick DePledge, "Snags Spur Review of Voting System: Unexplained delays in opening some Hawaii island precincts slow election results' release," *Honolulu Star-Advertiser*, August 13, 2012, available at <http://www.staradvertiser.com/s?action=login&f=y&id=165951686&id=165951686> (login required).

¹⁰ See KLEI-TV, About Our Local Shows, at <http://www.klei.tv/local-shows/>.

¹¹ See http://www.youtube.com/watch?v=SutW-GwQHqk&feature=player_embedded.

diabetes and obesity, both of which have very high incidences in Native American and Native Hawaiian populations. Similar health issues are covered in *Healthy Hawaii*, which is the only locally-produced program in Hawaii addressing medical issues peculiar to the state, such as tropical infections, the health effects of volcanic gas (VOG), and the high statewide rate of diabetes.¹² *Healthy Hawaii* recently featured an interview with the President and CEO of Hawaii Health Systems Corporation, the public benefit corporation of the State of Hawaii that serves as the largest health care provider in the Hawaiian Islands, operating facilities throughout the state.

KLEI also serves the broader Hawaiian culture by producing and broadcasting a local television program devoted to teaching the Hawaiian language, *Olelo Hawai'i*. *Olelo Hawai'i* reinforces Hawaiian culture by providing native language instruction, beginning with basic Hawaiian sounds and progressing to advanced sentence structure and basic conversational skills.¹³ The Station's dedication to educational coverage is also demonstrated by *Education Matters*, the only education program in the state hosted by a Hawaii State school psychologist, and *Keiki 808*, an educational/informational children's program designed to educate the children of Hawaii on different and interesting topics throughout the islands. All of these programs serve not just viewers on Hawaii, but on all of the Hawaiian Islands, focusing on issues of unique importance to Hawaiians.

Two of KLEI's most important programs are those devoted to segments of the population of Hawaii not served by other programming in the market. *Latitudes*, hosted by Ramon Villasenor, is the only program produced by *any* Hawaii television station that focuses specifically on the

¹² See KLEI-TV, About Our Local Shows, at <http://www.klei.tv/local-shows/>.

¹³ See KLEI-TV, About Our Local Shows, at <http://www.klei.tv/local-shows/>.

Hispanic community, which comprises almost nine percent of the state's population.¹⁴ *Latitudes* covers issues of importance to Hispanic residents not only of the Island of Hawaii, but throughout the islands.¹⁵ In a recent episode, for example, Mr. Villasenor interviewed the Mexican Consulate from San Francisco regarding how Mexican citizens throughout Hawaii could renew their passports.¹⁶

KLEI also broadcasts the *only* locally-produced program serving Hawaii's Filipino community, which now makes up 14.5% of the state's population.¹⁷ *Truly Pinoy*, hosted by Jane Clement, focuses on issues relevant to this significant and underserved population throughout the islands.¹⁸ Recent episodes of the program have included visits to the Filipino Community Center in Honolulu and to the Santo Nino Club of Maui.¹⁹ This brief summary of some of KLEI's local programming clearly demonstrates that that programming addresses the needs and interests of viewers in HTSC's Oahu service area, and that HTSC's claims to the contrary are baseless.

III. HTSC'S CHANNEL POSITIONING ARGUMENT IS UTTERLY WITHOUT MERIT.

HTSC asserts that it cannot carry KLEI on Channel 6, its virtual channel number, due to a claimed conflict with carriage of KBFD on that channel. That HTSC would make this assertion is simply bizarre, as Station KBFD does not, and never has, broadcast on over-the-air channel 6.

¹⁴ See Profile of General Population and Housing Characteristics: 2010; 2010 Demographic Profile Data, available at http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_D PDP1&prodType=table

¹⁵ See KLEI-TV, *Latitudes*, at <http://www.klei.tv/local-shows/latitudes/>.

¹⁶ See http://www.youtube.com/watch?v=jdtEJTvDeIU&feature=player_embedded.

¹⁷ See Profile of General Population and Housing Characteristics: 2010; 2010 Demographic Profile Data.

¹⁸ See KLEI-TV, *Truly Pinoy*, at <http://www.klei.tv/local-shows/truly-pinoy/>

¹⁹ *Id.*

According to Commission records, Kbfd broadcasts its over-the-air signal on channel 33, and has a virtual channel number of 32, which was previously KLEI's analog over-the-air channel.²⁰

Indeed, the Commission's CDBS database shows that *no* full power television station in the State of Hawaii, except KLEI, currently broadcasts on channel 6 or has a virtual channel on channel 6.

In the absence of any other station broadcasting on channel 6, HTSC has no reason to refuse to carry KLEI on that channel. The Commission has held that a cable operator must carry a station requesting mandatory carriage on that station's over-the-air channel absent a "compelling technical reason."²¹ HTSC's demonstrably inaccurate claims regarding Kbfd's broadcast channel clearly cannot provide such a "compelling technical reason" to deny Mauna Kea's channel positioning request for KLEI.

IV. HTSC WAS PROPERLY SERVED WITH THE COMPLAINT.

HTSC next advances the specious claim that Mauna Kea's service of its complaint on HTSC was in some way insufficient and that this should somehow excuse HTSC from complying with its must-carry obligations. HTSC's claim is without merit. HTSC claims that Mauna Kea's complaint should be dismissed because it was served on Hawaiian Telcom, Inc., an affiliate of HTSC. But HTSC's actions plainly confirm that it in fact received Mauna Kea's Complaint in a timely manner, and has no legitimate claim of missed service. As set forth in the Complaint, Mauna Kea first mailed its demand for carriage, directed to Hawaiian Telcom, Inc. on June 21, 2012. Only four days later, Hawaiian Telcom responded, stating its refusal to fulfill its must-carry obligations and

²⁰ See CDBS Station Search Details for Kbfd, at http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/pubacc/prod/sta_det.pl?Facility_id=65395; see also Digital Channel Election Form BFRECT-20050209AJK, reflecting NTSC Channel 32 and ATSC Channel 33.

²¹ *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, Report and Order, 8 FCC Rcd 2965, 2988 (1993).

carry KLEI's signal.²² Mauna Kea promptly filed the Complaint, and, in compliance with Section 1.47(d), mailed a copy to the last known address for HTSC, which was the name and address from which HTSC had responded, denying carriage, only days before. HTSC cannot now claim that this service, which was made in direct response to HTSC's own correspondence, was in any way insufficient.

V. HTSC IS CLEARLY A CABLE OPERATOR UNDER THE COMMUNICATIONS ACT, AND APPLICATION OF THE MUST-CARRY PROVISIONS IS ENTIRELY CONSISTENT WITH THE CONSTITUTION.

HTSC's final argument, and perhaps its most absurd, is the claim that it is somehow not a cable operator for purposes of the Communications Act and the Commission's must-carry rules.²³ HTSC attempts to create some type of distinction, although one not found anywhere in the law, between a "cable operator" and an MVPD, which it seems to believe would not be subject to the must-carry rules. In fact, under any reading of the plain language of the Communications Act and the Commission's Rules, HTSC is very much a cable operator with mandatory carriage obligations. Moreover, HTSC itself has, in obtaining a franchise from the State of Hawaii to operate its cable system, certified that it is a cable operator subject to those rules.

The Communications Act and the Commission's Rules define a "cable operator" (under Section 522(5) of the Communications Act) or "cable system operator" (under Section 76.5(cc) of the Commission's Rules) as "Any person or group of persons (1) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable

²² Carriage Denial Letter.

²³ HTSC technically claims not to be a "cable TV operator" within the meaning of the Act and the Rules. Because the term "cable TV operator" does not actually appear in Section 614 of the Communications Act, Mauna Kea assumes that HTSC actually means to argue that it is not a "cable operator" or "cable system operator," terms which *do* appear in the Communications Act and the Commission's Rules.

system; or (2) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.”²⁴ A “cable service” is likewise defined as “(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service”²⁵ and a “cable system” or “cable television system” as “a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community.”²⁶

HTSC’s commercial offering of video programming services to subscribers clearly satisfies each of these definitions, making HTSC a cable operator for purposes of the Communications Act and the Commission’s Rules. That status is expressly confirmed by the terms of the franchise for which HTSC itself applied and which it was granted by the State of Hawaii. That franchise authorizes HTSC to operate a “cable system,” which is defined under Hawaii state law as “any facility within this State consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community,” a definition identical to that found in the Commission’s Rules.²⁷ Having certified to the State of

²⁴ 47 U.S.C. §522(5); 47 C.F.R. §76.5(cc).

²⁵ 47 U.S.C. §522(6); 47 C.F.R. §76.5(ff).

²⁶ 47 U.S.C. §522(7); 47 C.F.R. §76.5(a).

²⁷ In the Matter of the Application for a Cable Franchise for Hawaiian Telcom Services Company, Inc., Decision and Order No. 352, Cable Television Division, Department of Commerce and Consumer Affairs, State of Hawaii, available at http://hawaii.gov/dcca/catv/decisions_orders/files/Hawaiian_Telcom_Services_Oahu_Franchise_D-O_6_24_11.pdf; see also Hawaii Revised Statutes §440G-3, available at http://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0440G/HRS_0440G-0003.htm.

Hawaii that it is a cable operator, HTSC cannot now credibly argue to the Commission that it is not.²⁸

As a cable operator providing cable service through a cable television system under the Communications Act and the Commission's Rules, HTSC is plainly subject to the must-carry provisions of the Act and the Rules. Section 614 of the Communications Act applies the must-carry rules without exception to "cable operators."²⁹ Similarly, Section 76.56(b) of the Commission's Rules provides that "a cable television system shall carry local commercial broadcast television stations."³⁰ HTSC seems to believe that as a newer and smaller cable operator, these rules somehow do not apply to it. Nowhere in the Communications Act or the Commission's Rules, however, is there any exception to these requirements based on an operator's size or competitive position. As a cable operator, HTSC must comply with the mandatory carriage requirements.

Apparently desperate to avoid its legal responsibilities, HTSC finally argues that it would be unconstitutional for the Commission to apply the must-carry requirements to it. As authority for this proposition, HTSC provides only a vague citation to the Supreme Court's decision in *Turner Broadcasting System, Inc. v. FCC*, a decision which, on the very page cited by HTSC, **upheld** the must-carry regime as consistent with the First Amendment.³¹ In upholding the must-carry requirements, the Supreme Court did not rely on any distinction between large and small cable operators or between those that held a dominant position among MVPDs and those that did not. The Court noted that Congress had designed the must-carry regime to serve three governmental

²⁸ Interestingly, HTSC failed to serve a copy of its Opposition on the Hawaii State Department of Commerce and Consumer Affairs, the franchising authority to which it made the certification it is now contradicting.

²⁹ 47 U.S.C. §534(b).

³⁰ 47 C.F.R. §76.56(b).

³¹ *Turner Broadcasting Sys., Inc. v. FCC*, 520 U.S. 180 (1997).

interests: “(1) preserving the benefits of free, over-the-air local broadcast television, (2) promoting the widespread dissemination of information from a multiplicity of sources, and (3) promoting fair competition in the market for television programming.”³² The “fair competition” referred to by the Court, however, was not competition among cable operators, but rather competition between cable operators and broadcast television stations.³³

Moreover, a close reading of the Court’s *Turner* decision shows that a majority of the Court did not even rely on the existence of potential anticompetitive effects to support must-carry regulation. Justice Breyer, in his concurring opinion providing the fifth vote in support of the must-carry regime, stated that he relied only on the governmental interests in preserving free, over-the-air broadcast television and promoting the widespread dissemination of information, going so far as to say that the government’s interest in “assur[ing] the over-the-air public access to a multiplicity of information sources” would by itself be sufficient to overcome cable operators’ First Amendment claims.³⁴

Under the Communications Act, the Commission’s Rules, and the terms of its own franchise, HTSC is clearly a cable operator subject to the must-carry rules. Application of those rules to HTSC is entirely consistent with the First Amendment. Under the must-carry regime set forth in the Communications Act and the Rules, and upheld by the Supreme Court, HTSC must retransmit the signals of all local television stations, including KLEI.

³² *Id.* at 189, citing *Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622, 662 (1994).

³³ *Turner*, 520 U.S. at 200-201.

³⁴ *Id.* at 226, Breyer, J., concurring in part (internal quotation omitted).

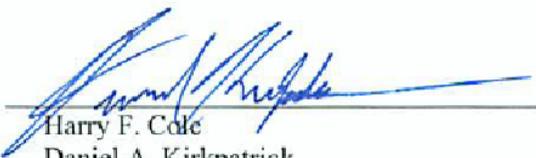
VI. CONCLUSION

As set forth herein, HTSC's Opposition to Mauna Kea's must-carry complaint regarding KLEI must be denied. The Opposition is based on a fundamental misunderstanding of the obligations imposed on cable system operators under the Communications Act and the Commission's must-carry rules. The Opposition also misstates a number of critical facts, including regarding HTSC's own regulatory status, and is inconsistent with HTSC's own representations to the State of Hawaii's cable franchising authority. None of the five purported reasons HTSC advances for denial of the complaint has any merit. For the foregoing reasons, Mauna Kea Broadcasting Company, Inc. respectfully requests that the Commission deny HTSC's Opposition and promptly grant Mauna Kea's must carry complaint.

Respectfully submitted,

MAUNA KEA BROADCASTING COMPANY, INC.

By: _____


Harry F. Cole
Daniel A. Kirkpatrick
Its Counsel

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August 15, 2012

EXHIBIT 1

DECLARATION OF DR. CHRISTOPHER RACINE

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

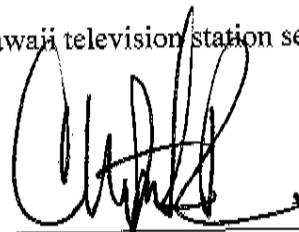
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Kailua-Kona, Hawaii)

To: Office of the Secretary
Attn: Chief, Media Bureau

DECLARATION OF DR. CHRISTOPHER RACINE

1. My name is Dr. Christopher Racine. I am President of Mauna Kea Broadcasting Company, Inc. ("Mauna Kea") and involved in the day-to-day operations of KLEI-TV.
2. I have reviewed the foregoing Reply to Opposition of Hawaiian Telcom Services Company, Inc. ("HTSC") and all factual matters set forth therein are true to the best of my knowledge and belief.
3. When the Commission grants Mauna Kea's Must-Carry Complaint, Mauna Kea intends to deliver a good signal to HTSC's headend via a fiber connection.
4. KLEI is the only local broadcast station in Hawaii producing and broadcasting local programming off of the island of Oahu. KLEI broadcasts the local programs *O'ahu Mayor's Report*, *City News*, *Eye on Hawaii*, *Native Ways*, *Healthy Hawaii*, *Olelo Hawaii*, *Education Matters*, *Keiki 808*, *Latitudes*, and *Truly Pinoy*.
5. KLEI was the only broadcast television station that provided immediate, first-hand coverage of irregularities that arose during Hawaii primary elections on August 11, 2012. KLEI reporters covered these events from local Hawaii locations.
6. The *O'ahu Mayor's Report* is hosted by Honolulu Mayor Peter Carlisle, and includes responses to viewer e-mails.
7. *City News* reports on news stories arising in Hawaii's state capital of Oahu.
8. *Eye on Hawaii* includes weekly reports from the islands of Hawaii, O'ahu, Maui, and Kauai'i.

9. *Native Ways* is hosted by Chip Begay, KLEI general manager and a Native American. The program addresses issues of particular importance to Native Americans, including Native Hawaiians.
10. *Healthy Hawaii* is the only locally-produced program that addresses medical issues peculiar to the Hawaiian Islands. A recent episode of *Healthy Hawaii* featured an interview with the President and CEO of Hawaii Health Systems Corporation.
11. *Olelo Hawai'i* is a locally produced television program devoted to teaching the Hawaiian language.
12. *Education Matters* is the only education program in Hawaii hosted by a Hawaii state school psychologist.
13. *Keiki 808* is a locally-produced children's educational-information program designed to educate the children of Hawaii on issues arising throughout the state.
14. *Latitudes* is the only program produced by any Hawaii television station focused specifically on the Hispanic community in Hawaii.
15. *Truly Pinoy* is the only program produced by any Hawaii television station serving the state's Filipino community.



Dr. Christopher Racine
President
Mauna Kea Broadcasting Company, Inc.

EXHIBIT 2

KLEI-TV PROGRAMMING SCHEDULE

KLEI-TV August Program Schedule									
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Time	
12:00 AM	KLEI MOVIE							12:00 AM	
12:30 AM								12:30 AM	
1:00 AM								1:00 AM	
1:30 AM								1:30 AM	
2:00 AM	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	KLEI MOVIE		2:00 AM	
2:30 AM	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program			2:30 AM	
3:00 AM	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program			3:00 AM	
3:30 AM	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program			3:30 AM	
4:00 AM	Doug Kaufmann					Paid Program		4:00 AM	
4:30 AM	Know The Cause							4:30 AM	
5:00 AM	Endless Pools Hawai'i							5:00 AM	
5:30 AM	Financial Solutions With Todd Coontz					Paid Program	Paid Program	5:30 AM	
6:00 AM	Lighthouse	Changing Lives	It's Supernatural with Sid Roth	Paid Program	Paid Program	Paid Program	Paid Program	6:00 AM	
6:30 AM	Davey & Goliath							6:30 AM	
7:00 AM	Native Ways	Latitudes	Healthy Hawai'i	Eye on Hawai'i	Mayor's Report with Billy Kenoi	Keiki 808 E/I		7:00 AM	
7:30 AM	Talk Story Hawai'i	Truly Pinoy	Keiki 808 E/I	Olelo Hawai'i	Education Matters	Kid Fitness	Hilo Family Worship Center	7:30 AM	
8:00 AM	Ariel & Zoey and Eli Too E/I	Curiosity Quest E/I	Real Life 101 E/I	Beta Records E/I	Passport to Explore E/I	New Zoo Review	Kailua-Kona Legacy Church	8:00 AM	
8:30 AM	Beta Records E/I	Mustard Pancakes E/I	Mustard Pancakes E/I	Ariel & Zoey and Eli Too E/I	Monsters and Pirates E/I	The Green Archer		8:30 AM	
9:00 AM	Taste of the Southwest					The Beverly Hillbillies	Maui Kumulani Chapel	9:00 AM	
9:30 AM	Distant Roads					Future Phenoms	New Hope	9:30 AM	
10:00 AM	The Adventures of Black Beauty					A Place In the Sun	Leeward Oahu	10:00 AM	
10:30 AM	The Campbells					News	Latitudes	10:30 AM	
11:00 AM	Daytime					Western Movie	Truly Pinoy	11:00 AM	
11:30 AM							Native Ways	11:30 AM	
12:00 PM	Crosswords						The Great Ride	Talk Story Hawai'i	12:00 PM
12:30 PM	A Place In The Sun							Eye on Hawai'i	12:30 PM
1:00 PM	Garden Travel	Designs For Living	For Your Home	Heart of Health	Laura McKinzie Traveler	The Great Ride	Healthy Hawai'i	1:00 PM	
1:30 PM	Celebrity Bowling						Education Matters	1:30 PM	
2:00 PM	Highway to Heaven					Insider Exclusive	Oahu Mayor's Report	2:00 PM	
2:30 PM						Box Office America	HNL City News	2:30 PM	
3:00 PM	Judge Roy Bean					Crook and Chase	Crook and Chase	3:00 PM	
3:30 PM	Shot Gun Slade							3:30 PM	
4:00 PM	I Married Joan					The Country Vibe	The Country Vibe	4:00 PM	
4:30 PM	Ozzie Harriet	My Little Margie	Trouble with Father	Mr. and Mrs. North	Robin Hood	Inside Music Row		4:30 PM	
5:00 PM	Route 66					Star Watch	Highway to Fame	5:00 PM	
5:30 PM						Outdoors	That's Boating	5:30 PM	
6:00 PM	KLEI Evening News					The Bill Cosby Show	Ravi Zacharias	6:00 PM	
6:10 PM	Latitudes	Talk Story Hawai'i	Healthy Hawai'i	Talk Story Hawai'i	Latitudes				6:30 PM
6:30 PM	Truly Pinoy	Native Ways	The Mayor's Report	Native Ways	Truly Pinoy		6:30 PM		
7:00 PM	Education Matters	Eye on Hawai'i	Olelo Hawai'i	Healthy Hawai'i	Education Matters	I Spy	Spy Games	7:00 PM	
7:30 PM	Life's Little Miracles						Crime Strike	7:30 PM	
8:00 PM	The New Zorro					Cold Squad		8:00 PM	
8:30 PM	The Bill Cosby Show							8:30 PM	
9:00 PM	Movin' On	Crook and Chase	Funny Business	The Worlds Funniest Moments	The Great Outdoorsman	D'aVinci's Inquest		9:00 PM	
9:30 PM				Treasure Hunters	9:30 PM				
10:00 PM	The Saint					Music Mix USA		10:00 PM	
10:30 PM								10:30 PM	
11:00 PM	Cisco Kid				Friday Night Drive-In	Cisco Kid	Cisco Kid	11:00 PM	
11:30 PM	The Adventures of Black Beauty					The Adventures of Black Beauty	The Adventures of Black Beauty	11:30 PM	

Legend		
Local Programs		
Children's	Educational	Programs

CERTIFICATE OF SERVICE

I, Barbara Lyle, hereby certify that on this 15th day of August, 2012, I caused a copy of the foregoing "Reply to Opposition of Hawaiian Telcom Services Company, Inc." to be served via U.S. mail, postage prepaid, upon the following:

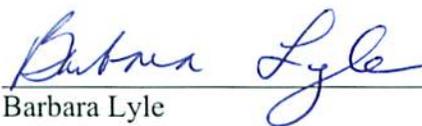
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