

**BEFORE THE FEDERAL COMMUNICATIONS
COMMISSION
Washington, D.C.
20554**

In the Matter of)	
)	
Annual Assessment of the Status of)	MB Docket No. 12-203
Competition in the Market for the)	
Delivery of Video Programming)	

COMMENTS OF

Na Leo O Hawaii, Inc. dba Na Leo O Hawaii Community Television

Na Leo O Hawaii Community Television submits these comments in response to the above- captioned Notice of Inquiry (“NOI”), released July 20, 2012, seeking “data, information, and comment on the state of competition in the delivery of video programming.”

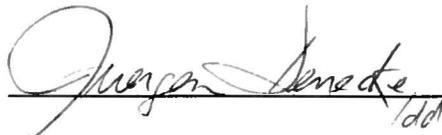
Na Leo O Hawaii Community Television is an independent, non-profit Public, Education and Government Access Corporation designated by the State of Hawaii as the entity which programs five (5) channels on the Oceanic Time Warner Cable system serving 47,000 cable homes on the island of Hawaii, County of Hawaii, provides video training, receives 3% of franchise fees, partially funds County Council meetings and provides gavel to gavel County Council coverage. Na Leo O Hawaii Community Television is Hawaii County's local television channel since over the air broadcast channels from Oahu are entirely Oahu-centric

and not relevant to our island. Thus, Na Leo's programming and our newscast is a sole source for local information for many of our residents.

Statewide cable provider, Oceanic Time Warner Cable, used to provide five (5) analog channels for PEG use. Our community was harmed this year when Oceanic unilaterally moved two (2) of the PEG channels to digital without proper notice, in violation of the franchise, with the result that two education channels suddenly disappeared from our subscribers view. It now requires special equipment, which Time Warner has agreed to supply for one year without charge, to view educational access programs. And what has replaced educational programs? Adult Programming!! Thereby making adult programming more important than education. Yet while pulling these shenanigans, Time Warner has a petition before the Commission aimed at freeing itself from regulation by the State Department of Commerce and Consumer Affairs (DCCA) the LFA responsible for compliance with franchise orders and gathering data from the franchise holder. One could be forgiven if one were to be cynical when questioning the fitness of Time Warner to be a lessee of public property.

If you look at the long tradition of U.S Telecommunications Law, time and time again you will come across references to the fundamental principles of "localism" and "diversity of viewpoint." These fundamental principles are essential in helping local individuals and communities communicate with one another in order to maintain an informed electorate and a healthy democracy. This is precisely the reason why uniquely local Public, Educational and Government (PEG) access channels have always been included along with local broadcast channels in the definition of "basic cable service." These local broadcast and PEG access

channels have everywhere and always been intended to be made available to all subscribers at the most affordable, most widely available tier. As a matter of policy, PEG channels have a right to the same treatment as every other local “must carry” broadcast channel on every cable subscriber’s most basic tier of service and that there be no diminishment of existing analog spectrum available to PEG access in the migration from analog to digital, and that the PEG access transition from analog to digital not result in reduced bandwidth, reduced accessibility, reduced quality or reduced features during or after transition relative to any other previously broadcast analog cable channels.



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