

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB2076 SD2 HD1
RELATING TO BROADBAND SERVICE INFRASTRUCTURE.**

REP. AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: March 2, 2022

Room Number: Video & 309

- 1 **Fiscal Implications:** N/A.
- 2 **Department Testimony:** The Department of Health (DOH) strongly supports the authorization
- 3 of the Hawaii Broadband Infrastructure Authority and the appropriation of funds and personnel
- 4 to the Hawaii Broadband and Digital Equity Office . A robust broadband infrastructure is vital
- 5 to promote telehealth as a means to support healthcare access. Digital infrastructure buildout
- 6 should be prioritized based on core needs such as healthcare and education, rather than
- 7 entertainment or leisure.
- 8 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 22, 2022

The Honorable Representative Aaron Ling Johanson, Chair
House Committee on Consumer Protection and Commerce
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Johanson, and Committee Members:

SUBJECT: SB2076 SD2 HD1 Relating to Broadband Service Infrastructure

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS SB2076 SD2 HD1** which, establishes the Hawaii broadband infrastructure authority. Defines broadband equity within the Hawaii broadband and digital equity office. Appropriates federal and state funds. Effective 7/1/2050. (HD1)

For the past two years, COVID-19 pandemic has taught us that there is a digital divide which separates those who can readily access computers and the internet from those who cannot. This gap exists for many different reasons—from socioeconomics to broadband availability—yet even when infrastructure and connectivity issues are resolved, individuals with Intellectual and developmental disabilities (I/DD) will still face obstacles when it comes to utilizing the web due to a digital accessibility chasm between the abled and disabled.

The Council has been a member of the Broadband Hui who have been very supportive of addressing the needs of individuals with Intellectual and developmental disabilities (I/DD) to get connected. We will need to continue a coordinated effort in order to assure individuals with disabilities are able to stay connected by receiving the digital tools they need.

Thank you for the opportunity to submit testimony in **strong support of SB2076 SD2 HD1**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

DAVID Y. IGE
GOVERNOR

MIKE MCCARTNEY
DIRECTOR

CHUNG I. CHANG
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: dbedt.hawaii.gov

Telephone: (808) 586-2355
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Statement of
MIKE MCCARTNEY
Director

Department of Business, Economic Development, and Tourism
before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Tuesday, March 22, 2022

2:00 PM

State Capitol, Conference Room 329

In consideration of

SB2076, SD2, HD1

RELATING TO BROADBAND SERVICE INFRASTRUCTURE.

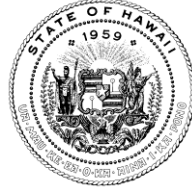
Chair Johanson, Vice Chair Kitagawa and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) provides the following **comments** on **SB2076, SD2, HD1**, which establishes the Hawai'i broadband infrastructure authority and defines broadband equity within the Hawai'i broadband and digital equity office.

With regard to Part II, the establishment of the Hawai'i broadband infrastructure authority would be premature at this time. Rules for the Federal infrastructure programs are yet to be finalized and how the infrastructure investments using Federal funds will be owned and managed over time need to be determined. In lieu of a broadband authority, we are working together across government and community to ensure we maximize the Federal investment for the benefit of the state. This working group collaboration will inform us of a future governance structure for the ongoing management of these broadband infrastructure assets.

With regard to Part III, it is important that we continue to address broadband access, affordability, adoption and literacy for Hawai'i to achieve digital equity and thrive in the digital economy. The Broadband & Digital Equity Office will continue to provide the focus, coordination and facilitation of programs that enable all Hawai'i residents to seamlessly connect to the Internet and the digital tools needed to be successful in our modern society.

We appreciate the inclusion of an appropriation to support the office in Part V, provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to submit this testimony.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Commerce and Consumer Protection
Tuesday, March 22, 2022
2:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 2076 S.D.2 H.D.1, RELATING TO BROADBAND SERVICE INFRASTRUCTURE**

Chair Johanson and Members of the Committee:

My name is Catherine P. Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department offers comments on this bill.

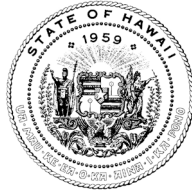
The purposes of this bill are to: (1) establish the Hawaii broadband infrastructure authority, administratively attached to the Department, (2) define broadband equity within the Hawaii broadband and digital equity office and (3) appropriate federal and state funds.

The Department believes strongly in the importance of a resilient broadband infrastructure throughout the state, to provide critical connectivity for among other things, telehealth, telework, and remote learning. The Department notes, however, that the creation of the Authority may be premature at this time given that the relevant grant programs are still being developed and guidance on what the allowable uses of these funds will be has not yet been issued.

The Department also notes that the bill as drafted will require a significant commitment of personnel and funds. Although the bill on page 18 lines 15 to 20 provides for a one-time appropriation of federal funds to be received by the State, it is unclear whether the funds will in fact be available, how long the funding will be available, and what the funds may be used for. Although the House Draft 1 provides for the authority to be administratively attached to the Department, federal funds appropriated are to be expended by the University of Hawaii. Also, the bill does not provide for the establishment of positions that would be needed to support the new Authority. Finally, the Department suggests that the bill clearly indicate that the establishment of the Authority is conditioned on the timely availability of federal funds that can be used for the purposes set forth in the bill.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
CHIEF INFORMATION
OFFICER

OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
Ph: (808) 586-6000 | Fax: (808) 586-1922
ETS.HAWAII.GOV

Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Tuesday, Marc 22, 2022

SENATE BILL 2076 SD2 HD1
RELATING TO BROADBAND SERVICE INFRASTRUCTURE

Dear Chair Johanson, Vice Chair Kitagawa, and members of the committees,

The Office of the Enterprise Technology Services (ETS) supports this bill which establishes the Hawaii Broadband Infrastructure Authority. We look forward to serving on the Hawaii Broadband Infrastructure Authority Board.

Thank you for this opportunity to provide testimony on this bill.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
ON
SENATE BILL NO. 2076, S.D. 2, H.D. 1

March 22, 2022
2:00 p.m.
Room 329 and Videoconference

RELATING TO BROADBAND SERVICE INFRASTRUCTURE

The Department of Budget and Finance (B&F) offers comments on Parts II and IV of this bill, which creates a new Broadband Authority (BA) administratively attached to the Department of Commerce and Consumer Affairs (DCCA), and appropriates an unspecified amount of federal funds for broadband infrastructure and expansion of broadband access to the University of Hawai'i. B&F defers to the Department of Business, Economic Development and Tourism on Part III, which amends Sections 206S-1 and 206S-3, HRS, which relates to the Hawai'i Broadband and Digital Equity Office.

B&F suggests that it would be premature to establish a new BA and appropriate federal funds to this new Authority at this time. The federal Broadband Equity, Access, and Deployment and State Digital Equity Planning and Capacity Grant programs are still being developed by the National Telecommunications and Information Administration at the U.S. Department of Commerce. As yet, no firm guidance has been issued on what the allowable uses of these federal funds will be.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for the opportunity to provide written comments.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

March 22, 2022

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Senate Bill 2076, Senate Draft 2, House Draft 1 –
Relating to Broadband Service Infrastructure

The Disability and Communication Access Board (DCAB) supports Senate Bill 2076, Senate Draft 2, House Draft 1, Relating to Broadband Service Infrastructure.

Broadband access provides persons with disabilities access to programs and services. Please ensure that this bill will protect the public, including people with disabilities, from unreasonable or increased costs.

Broadband access for all should be affordable, especially for underserved communities to foster their economic development, increase of job opportunities, enhance health care, and broaden educational opportunities.

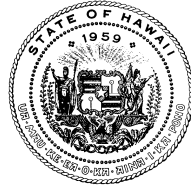
Digital equity will not only ensure that people with disabilities have access to broadband, but it will promote a better quality of life for them as well.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
STATE COUNCIL ON MENTAL HEALTH
P.O. Box 3378, Room 256
HONOLULU, HAWAII 96801-3378

WRITTEN
TESTIMONY
ONLY

STATE COUNCIL ON MENTAL HEALTH
Testimony to the House Committee on Consumer Protection and Commerce
in SUPPORT of S.B. 2076 S.D. 2 H.D. 1
RELATING TO BROADBAND SERVICE INFRASTRUCTURE

Tuesday, March 22, 2022 at 2:00 p.m.

CHAIRPERSON
Richard I. Ries Psy.D., M.S.Ed.

1st VICE CHAIRPERSON
Tara Reed, BSW

2nd VICE CHAIRPERSON
Katherine Aumer, Ph.D.

SECRETARY
Eileen Lau-James, DVM

MEMBERS:
Antonino Beninato
Charlene "Naomi" Crozier
Jon Fujii
Heidi Ilyavi
Christopher Knightsbridge,
MAIR, MACL
Beatrice "Kau'i" Martinez
Kathleen Rhoads Merriam, LCSW,
CSAC
Jennifer Renfro

EX-OFFICIO:
Marian Tsuji,
Deputy Director, Behavioral
Health Administration

Chair Johanson, Vice-Chair Kitagawa, and Members of the House Consumer Protection and Commerce Committee:

In alignment with §334-10, HRS, the State Council on Mental Health (SCMH) is a 21-member Council responsible for advising, reviewing and monitoring the provision of mental health services statewide. SCMH members from diverse backgrounds serve as volunteers, collectively representing mental health service recipients, students and youth, parents and family members, providers, and state agencies including the Hawaii Department of Health, Department of Human Services, and the Judiciary.

The majority of SCMH members **SUPPORT** S.B. 2076 S.D. 2 H.D. 1 which is intended to help increase digital equity across the State.

Solid broadband infrastructure and digital equity will help increase access to mental health services to a variety of individuals with mental health and co-occurring substance abuse needs.

The mission of the SCMH is to advocate for a Hawaii where all persons affected by mental illness can access treatment and support necessary to live a full life in the community of their choice.

Thank you for the opportunity to testify. Should you want to contact us in the future, please e-mail DOH.SCMHChairperson@doh.hawaii.gov.

Statement Before The
HOUSE COMMITTEE ON CONSUMER PROTECTION & PROTECTION
Tuesday, March 22, 2022
2:00 PM
Conference Room 329 & Videoconference

in consideration of
SB 2076, SD2, HD1
RELATING TO BROADBAND SERVICE INFRASTRUCTURE.

Chair JOHANSON, Vice Chair KITAGAWA, and Members of the
House Consumer Protection & Protection Committee

Common Cause Hawaii supports SB 2076, SD2, HD1, which (1) establishes the Hawaii broadband infrastructure authority, (2) defines broadband equity within the Hawaii broadband and digital equity office, and (3) appropriates federal and state funds.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy - one that works for everyone and not just the special interests.

As technology advances, many of our basic democracy values depend on robust connectivity. Broadband enhances civic engagement, participation in the democratic process, and a responsive government. Yet too many in Hawaii lack access to affordable, high-speed broadband and continue to face significant barriers to get online.

Affordability remains the most significant barrier to broadband adoption while those on the wrong side of the digital divide are disproportionately low-income, people of color, seniors, people with disabilities, and other marginalized communities. Without broadband, these communities live in a democracy where their voices go unheard, and their needs are unmet.

Therefore, Common Cause Hawaii supports SB 2076, SD2, HD1, which makes clear that the broadband equity means “affordable, high-speed, and reliable broadband” (at page 16, lines 5-7) for all residents. Broadband equity is necessary for the good of our representative democracy.

Thank you for the opportunity to testify in support of SB 2076, SD2, HD1. If you have any questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

RYAN KAWAILANI OZAWA

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Mililani, HI 96789-8332

Main: (808) 707-3027

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@hawaii 

Email: hawaii@hey.com

March 19, 2022

Aloha, Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair;
and members of the Committee on Consumer Protection and Commerce:

I am writing to share **comments** on HB2076, SD2, HD1 related to
broadband.

I agree that equitable and robust access to broadband should remain a
priority for our State. Further, I am glad that the Federal government is
making significant investments in broadband across the country, including
in Hawaii.

However, while this bill says that the state "must act quickly to take
advantage of various federal and private funds available," it proposes yet
another layer of bureaucracy – another "authority" with board members – as
the solution.

Further, this bill is further blurring the lines between the practical
considerations related to broadband, and the more fundamental concept of
"digital equity," which I believe represents mission creep.

**While well intentioned, I believe this bill should be deferred and
significantly reworked based on extensive testimony received
throughout this session.**

I believe it would be helpful to review feedback submitted to date on this
and related measures.

From the DCCA, the very office that would house the authority:

The creation of the Authority may be premature at this time given that
the relevant grant programs are still being developed and guidance on
what the allowable uses of these funds will be has not yet been issued.
The Department also notes that the bill as drafted will require a
significant commitment of personnel and funds.

From the state Department of Budget and Finance:

B&F respectfully suggests that the amendments proposed in this bill are premature. The federal Broadband Equity, Access, and Deployment and State Digital Equity Planning and Capacity Grant programs are still being developed by the National Telecommunications and Information Administration at the U.S. Department of Commerce, which has not yet issued firm guidance to states.

From the University of Hawaii, which has also been tasked by the Legislature to oversee significant components of the state's broadband infrastructure:

While the creation of a state broadband infrastructure authority may be necessary at some point in the future, it might be prudent to wait for clarity around the expected Federal program announcements and rules, as well as determination of requirements around ownership and governance of any resulting assets and facilities constructed or acquired with the anticipated influx of public funds. There is also the concern expressed over imposing potentially conflicting or overlapping regulation in the generally competitive broadband markets currently under the oversight of the FCC.

From Charter, the largest broadband provider in the state:

As the federal government is still finalizing the rules associated with the significant funding for broadband infrastructure, access, and adoption, Hawaii may want to consider waiting for additional clarity and guidance from the National Telecommunications and Information Administration before establishing a governing body on broadband.

Further, a Broadband Infrastructure Authority is best located within an economic development agency, such as the Department of Business, Economic Development, and Tourism (DBEDT), rather than a regulatory agency. DBEDT's mission to foster community development, high-quality living environments and promote innovation sector job growth more closely matches the goals of this authority.

From Hawaiian Telcom:

Hawaiian Telcom has concerns regarding the establishment of a new authority, including the cost and time it will require to stand up a new authority to be attached to the Department of Commerce and Consumer Affairs... The creation of an authority will take considerable time and

resources, and may result in slowing private investment in broadband infrastructure, which is counter to State's efforts.

The speed with which this measure has advanced through the Legislature rightfully illustrates the state's acknowledgement of the importance of broadband. However, it is imperative that Hawaii take steps at the right time, in the right direction. I strongly believe this bill can be significantly improved to serve all stakeholders.

Finally, I suggest that that the **current definition of "digital equity" be left alone**: "a condition in which all individuals and communities have the information technology capacity needed for full participation in society, democracy, and the economy." Broadband interests are already represented in the preceding clause.

Ultimately, the term "digital equity" encompasses much more than this bill and the existing broadband-focused office directly addresses. For simplicity, the overall program office could be renamed to the **Hawaii State Broadband Office** (achieving mission clarity similar to that of the Energy Office).

In the longer term, the State should assign equity-related issues to an existing or new statewide office focused on broader diversity and equity issues.

Mahalo for your consideration.



Ryan Kawailani Ozawa



March 21, 2022

The Honorable Aaron Ling Johanson
Chair, House Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 436
Honolulu, HI 96813

The Honorable Lisa Kitagawa
Vice Chair, House Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 315
Honolulu, HI 96813

RE: SB 2076 SD2 HD1 Part II Broadband Infrastructure Authority – Oppose Unless Amended

Dear Chair Johanson and Vice Chair Kitagawa,

On behalf of CTIA®, the trade association for the wireless communications industry, I write to respectfully oppose SB 2076 SD2 HD1 Part II Broadband Infrastructure Authority unless amended, and echo many concerns shared during the discussion on this measure. CTIA appreciates the goals of this legislation. Our members share in the State of Hawaii’s goals to increase access to broadband and bridge the digital divide. We also understand the desire to establish an entity to coordinate broadband deployment in anticipation of federal funds. However, Part II of this bill requires further discussion.

For example, Part II Section 10 (12) of SB 2076 SD2 HD1 contains very broad ambiguous language that seeks to “Regulate and oversee broadband infrastructure...” as a responsibility for the Broadband Infrastructure Authority. It is very unclear to CTIA and our members as to what is meant by this language. The state has limited authority over regulation of broadband infrastructure – including wireless infrastructure – and we have concerns this may be a regulatory overreach and potentially preempted by federal law.

As was very clear during the pandemic, wireless networks were heavily relied upon as we all sought to continue to live our lives remotely, and demand for wireless services soared. As CTIA members seek to meet these demands and invest in wireless networks across the State of Hawaii, they regularly encounter delays at the State and County levels. We are concerned that the broad authorities granted to the proposed Broadband Infrastructure Authority would further hamper private investment and exacerbate issues related to connectivity.

With the incoming once-in-a-generation federal broadband investment flowing into the states, CTIA respectfully requests this Committee consider removing certain aspects of this bill until the new rules for



federal investments are clearer for us all. At the appropriate time, CTIA and its members will be ready to engage in conversations with the State of Hawaii about how the public and private sectors may best coordinate efforts in support of broadband deployment.

For the reasons described above, we respectfully oppose SB 2076 SD2 HD1, unless Part II of the bill is amended to remove the language that could be interpreted to expand the authority of the State over broadband in a manner that risks conflicting with federal law.

Sincerely,

Bethanne Cooley
Assistant Vice President
State Legislative Affairs



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hawaii State Capitol
Tuesday, March 22, 2022

COMMENTS ON S.B. 2076, S.D. 2, H.D. 1, RELATING TO BROADBAND SERVICE INFRASTRUCTURE

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee.

Thank you for the opportunity to provide comments on S.B. 2076, S.D. 2, H.D. 1, a bill that would (1) establish the Hawaii Broadband Infrastructure Authority, (2) define broadband equity, and (3) designate additional responsibilities to the broadband and digital equity office.

As the largest broadband provider in the state, Charter supports efforts to promote digital equity and broadband access. However, there are aspects of S.B. 2076, S.D. 2, H.D. 1 that require deeper review and may be problematic. The goals of the authority as laid out in the bill are goals that we share. Broadband should be universally available. And it should be built on infrastructure that can meet the needs of Hawaii today and tomorrow. This is why we also object to the language in the bill that would grant the authority the power to regulate broadband infrastructure. While this could make sense to the extent that infrastructure is publicly owned, it is unnecessary and counterproductive with respect to privately built networks. Private investment by Charter alone has already successfully brought gigabit broadband (1000 Mbps download speeds) to more than 400,000 homes and businesses in the state where Charter service is available. Unlike traditionally regulated utilities,

broadband is a constantly evolving service that requires constant technological innovation to support the ever-changing array of applications and needs of consumers.

Likewise, achieving the state's broadband goals is best aligned with an economic development agency rather than a regulatory body, which is why the Broadband Infrastructure Authority is best, located within an economic development agency, such as the Department of Business, Economic Development, and Tourism (DBEDT), rather than a regulatory agency. DBEDT's mission to foster community development, high-quality living environments and promote innovation sector job growth more closely matches the goals of this authority. Additionally, some broadband coordination and planning is already being conducted by DBEDT, including the state broadband infrastructure grant program, which was established in 2021.

Further, the nature of broadband infrastructure deployment is an important and complicated issue, involving federal, state, and local agencies, as well as private entities. As the federal government is still finalizing the rules associated with the significant funding for broadband infrastructure, access, and adoption, Hawaii may want to consider waiting for additional clarity and guidance from the National Telecommunications and Information Administration before establishing a governing body on broadband.

Charter believes that every Hawaii resident should have reliable access to the Internet ecosystem. We stand ready to help bring the benefits of broadband and access to the internet to those who need it most. In 2020 alone, Charter extended its network to reach an additional 14,000 homes and small businesses in Hawaii, investing more than \$87 million in the state. Additionally,

Charter is pleased to now provide high-speed data services to beneficiaries living in the Hawaiian Homelands following an announcement made earlier this month by DHHL, which allows homesteaders to obtain telecommunications services from a provider of their choice.

Charter is a member of DBEDT's weekly Broadband Hui to assist in strategic broadband planning and closing the Digital Divide. Additionally, Charter participated in the FCC's Emergency Broadband Benefit Program (EBB) and is now participating in the \$14.2 billion federal Affordable Connectivity Program (ACP). The EBB, and now the ACP, has helped connect over 18,000 eligible households in Hawaii with high-speed broadband during the ongoing COVID-19 pandemic. Broadband internet access is more important than ever and the newly adopted ACP offers a tremendous opportunity to help low-income families stay connected, providing eligible households a discount of up to \$30 per month toward broadband service and up to \$75 per month for households on the Hawaiian Homelands.

Charter looks forward to working with the legislature on this important issue.

Mahalo for the opportunity to testify.

Written Statement of
Jeannine Souki
Sr. Manager – Government & Regulatory Affairs

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

MARCH 22, 2022, 2:00 PM
State Capitol, Room 329 & Videoconference

COMMENTS FOR:

S.B. NO. 2076, HD1 RELATING TO BROADBAND SERVICE INFRASTRUCTURE

To: Chair Johanson, Vice-Chair Kitagawa, and Members of the Committee

Re: Testimony providing comments and requesting an amendment for SB 2076, HD1

Aloha Honorable Chair, Vice-Chair, and Committee Members:

Thank you for the opportunity to provide comments for Senate Bill 2076, HD1. This bill intends to establish a Hawaii Broadband Infrastructure Authority, define broadband equity and amend the definition of digital equity, clarify the role of the Hawaii broadband and digital equity office, and appropriate funds for broadband infrastructure across the state.

Hawaiian Telcom supports the primary intent of this measure to promote digital equity and expand broadband infrastructure. However, we are concerned that adding a state authority will take considerable time and resources and that overly broad language in this bill would give the broadband authority the ability to “regulate and oversee broadband infrastructure.” This may have the overall effect of slowing the public and private investments of broadband deployment in the state.

Hawaiian Telcom opposes overly broad language on page 12 § 10 (12) that would grant the state broadband authority the powers to “regulate and oversee broadband infrastructure.” We respectfully recommend that this language be removed from this bill.

While there is a temporary infusion of federal funds for broadband infrastructure, Hawaii should be leveraging this opportunity of public and private sector investments to address the digital divide, especially in the underserved and underserved areas. The private sector has and should continue to drive investment in broadband infrastructure so that consumers have competitive service offerings at affordable prices. The state can best assist by eliminating barriers, partnering with the private sector to pursue federal grants, and helping residents access and qualify for programs like the Affordable Connectivity Program (ACP), which provides subsidies to offset monthly subscription costs for services.

Public-private partnerships need to be encouraged to deploy broadband to unserved areas where there is no economic business case to justify an extension of service. In contrast, creating a broadband authority will take considerable time and resources and slow private investment. Slowing deployment is also not in sync with the state's efforts to close the digital divide, especially for students and households that cannot afford or do not have access to broadband service.

In closing, Hawaiian Telcom supports fair market competition, choices for broadband consumers, and policies that help meet the digital equity needs of all residents and promote the expansion of broadband infrastructure and services, especially in unserved and underserved areas in the state. Therefore, we respectfully oppose this bill unless amended as recommended above.

Thank you for the opportunity to provide comments for Senate Bill 2076, HD1.





UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection and Commerce
Tuesday, March 21, 2022 at 2:00 p.m.

By

Garret T. Yoshimi, Vice President for Information Technology/Chief Information Officer
University of Hawai'i System

SB 2076 SD2 HD1 – RELATING TO BROADBAND SERVICE INFRASTRUCTURE

Chair Johanson, Vice Chair Kitagawa, and members of the committee:

The University of Hawai'i, representing the State's broadband interests, provides the following comments and recommendations on SB 2076 SD2 HD1.

SB 2076 SD2 HD1 creates a state broadband infrastructure authority, and provides for clarification of the role of the state broadband offices within DBEDT to focus on critical elements of digital equity and literacy to maximize benefits of public and private investment in broadband infrastructure and services. Based on a series of conversations and views expressed over the past weeks and months, while the creation of a state broadband infrastructure authority may be necessary at some point in the future, we recommend waiting on the upcoming announcements of Federal program rules and guidelines, as well as determination of any requirements or needs around ownership and governance of any resulting public assets and facilities constructed or acquired with the expected influx of public funds. The inclusion of regulatory responsibilities in the duties of the state broadband infrastructure authority may also create conflicts or overlapping responsibilities in the generally competitive broadband markets currently under the oversight of the FCC.

Given the interest and importance of this topic, we are committed to convene conversations over the next several months to ensure broad inputs into the strategic topic of governance and sustainability of the assets to be acquired over the following years through public investments. As part of our responsibility to help lead the state's broadband infrastructure investments, we will continue our work to help guide the creation of any state broadband infrastructure authority, including requesting assistance by the Legislature.

Thank you for the opportunity to provide comments on SB 2076 SD2 HD1.

To: Hawai'i State House Committee on Consumer Protection and Commerce
DATE: March 22, 2022
TIME: 2:00 p.m.
PLACE: Via Videoconference
RE: SB 2076, SD2, HD1, Relating to Broadband Infrastructure
POSITION: Comments

Aloha Chair Johanson, Vice-Chair Kitagawa, and members of the committee:

On behalf of Crown Castle, a communications infrastructure provider who constructs, operates and maintains a communications network here in HI, we are writing to provide comments on SB 2076, SD2, HD1, relating to broadband infrastructure. This bill establishes the Hawaii broadband infrastructure authority and defines broadband equity within the Hawaii broadband and digital equity office.

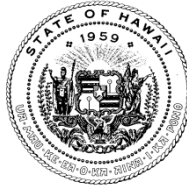
Pursuant to Section 4, the purpose of the Hawaii broadband infrastructure authority is to oversee and manage public advanced technology infrastructure. As such, the powers and duties of the authority to "regulate" broadband in Section 12 should be confined to the regulation of public advanced technology infrastructure. Accordingly, we request an amendment to Page 12, Line 9, to state:

§ -12 Powers and duties of the authority. (12) Regulate and oversee public advanced technology ~~broadband~~ infrastructure, including the reduction of barriers to fiber landing in Hawaii.

Crown Castle owns, operates, and leases cell towers and other telecommunications infrastructure supporting small cells and fiber solutions in Hawai'i and across the continental U.S. This portfolio of communications infrastructure connects citizens and communities to essential data, technology, and wireless service.

Mahalo for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASH
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 22, 2022
2:00 P.M.

State Capitol, Conference Room 329/Teleconference

**S.B. 2076, S.D. 2, H.D. 1
RELATING TO BROADBAND SERVICE INFRASTRUCTURE**

House Committee on Consumer Protection & Commerce

The Department of Transportation (DOT) provides **comments** on Part II of this measure that establishes the Hawaii Broadband Infrastructure Authority.

The department supports achieving digital equity and a resilient digital economy through the build out of broadband infrastructure across all islands. Effective coordination of state efforts is critically important and will ensure we are efficient, agile, responsive, and successful. In reviewing the proposed make up of members on the authority board, we respectfully request your committee's consideration of the inclusion of member with expertise in infrastructure development, construction, and large-scale capital improvement projects.

While the DOT defers to the Department of Commerce and Consumer Affairs on the feasibility of establishing the Hawaii Broadband Infrastructure Authority, we request your consideration of the inclusion of the Director of the DOT as an ex officio member of the board. There is a general expectation that transportation infrastructure should and could be used for the backbone of the broadband infrastructure. To that end, inclusion of the DOT in the authority board will facilitate discussions in the earliest phases for projects involving transportation infrastructure.

Thank you for the opportunity to provide these comments.



LATE

House Committee on Consumer Protection & Commerce

Date: Mar. 22, 2022

Time: 2:00 p.m.

Where: Conference Room 329 & Videoconference

RE: **Supporting SB2076 SD2 HD1** Relating To Broadband Service Infrastructure

Aloha mai e Chair Johanson, Vice Chair Kitagawa and Members of the Committee,

As members of the Broadband Hui, the listed organizations and individuals support SB2076 SD2 HD1. The Hui has as a membership of about 2400 members with a wide span of substantial expertise including education, social issues, technology, management and telecom industries.

We understand that legislative discussions are on-going concerning the scope of the bill. However, we strongly support the bill's Parts III and V concerning the Hawaii broadband and digital equity office in DBEDT and the assigned duties. A robust, staffed office will materially facilitate extending broadband to all the peoples of Hawaii; it is closest to the people. Furthermore, we suggest that funding and staffing of the office at about the level proposed in SD 1 is appropriate.

For these reasons, we kindly request you **PASS SB2076 SD2 HD1**. Mahalo for the opportunity to testify.

(Please see names on the following page.)

	Name	Organization	Email	Zip
1	Brad Kaleo Bennett	Auamo Collaborative	kokua@auamocollaborative.org	96720
2	Cary Miyashiro	Quad D Solutions	csmiyashiro@gmail.com	96816
3	Crystal Yamasaki	Crystal Clear Communications	crystalclearcomms@gmail.com	96817
4	Daniel C. Smith		smithdan@hawaii.edu	96782
5	David Miyashiro	HawaiiKidsCAN	david.miyashiro@hawaiikidscan.org	96734
6	Donovan Kealoha	Purple Mai`a	dkealoha@gmail.com	
7	Eugene Chang		eugene.chang@ieee.org	
8	Jeanne Skog	Skog Rasmussen LLC	jskog@skograsmussen.com	96793
9	Jenifer Sunrise Winter		jwinter@hawaii.edu	96821
10	Jules Ung	Banyan Networks	jung@banyannetworks.com	96817
11	Kendrick Farm		farmk@hawaii.edu	
12	Lynn Otaguro	O'ahu County Democrats Digital Equity Committee	lmotaguro@yahoo.com	96821
13	Peggy Mierzwa	AlohaCare	pmierzwa@alohacare.org	96814
14	Rachel Solemsaas	Hawaii Community College	rsolems@hawaii.edu	96720
15	Rebecca Soon	Solutions Pacific	rebecca@sphawaii.com	96825
16	Summer Keliipio	`A`ali`i Alliance	kernel_overdub_of@icloud.com	96744
17	Susan Tai	Economic Development Alliance of Hawaii, Inc.	susantaikaneko@gmail.com	96813
18	Tamara Rajaram	3Red8, Inc.	tamarar@gmail.com	95014



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 329
TUESDAY, MARCH 22, 2022 AT 2:00 P.M.**

To The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
Members of the committee on Consumer Protection & Commerce

SUPPORT SB2076 SD2 HD1 RELATING TO BROADBAND SERVICE INFRASTRUCTURE

The Maui Chamber of Commerce is writing in **support of SB2076 SD2 HD1** relating to broadband service infrastructure. Broadband has been a longstanding issue in Hawaii and was exacerbated during this pandemic where students are doing distance learning and more people are working remotely. Broadband is a critical need in unserved areas and is important to state and county economic development. We are pleased to participate with the Broadband Hui and support many initiatives for digital equity. Many exciting projects are emerging from this broad alliance that fosters ideas and collaboration on creating programs that benefit the statewide community, with an emphasis on assisting groups that need it the most. This funding is essential at this time as we look at improving the statewide connectivity and roll out 5G infrastructure.

The Chamber strongly supports the bill's Parts III and V concerning the Hawaii broadband and digital equity office in DBEDT and the assigned duties. A well-staffed office will greatly facilitate extending broadband to all the peoples of Hawaii. We would respectfully suggest that funding and staffing of the office at about the level proposed in SD 1 is appropriate.

Mahalo for the opportunity to provide testimony in **support of SB2076 SD2 HD1**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.