STAND. COM. REP. NO. 212

Honolulu, Hawaii

Feb 11 , 2011

RE: H.B. No. 1342

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred H.B. No. 1342 entitled:

"A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,"

begs leave to report as follows:

The purpose of this bill is to expedite the deployment of broadband technology in Hawaii by:

- (1) Temporarily exempting actions relating to the installation, improvement, construction, or development of broadband infrastructure from county permitting requirements and state permitting and approval requirements, under certain conditions; and
- (2) Prohibiting a person or entity from being required to upgrade or replace an existing utility pole when using that pole to install new or improve existing telecommunications cables, under certain conditions.

Akaku: Maui Community Television and Hawaiian Telcom supported this bill. The Department of Transportation (DOT), Cable Television Division of the Department of Commerce and Consumer Affairs, Hawaiian Electric Company, Hawaii Electric Light Company, and Maui Electric Company supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu opposed this bill.

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Your Committee notes that DOT in its testimony recommended adding a provision to require an entity to obtain a highway permit under section 264-6, Hawaii Revised Statutes, for any work within the DOT Highways Division's right-of-way. As an alternative, your Committee considered requirements to notify DOT in lieu of establishing a permit requirement. Your Committee respectfully requests your Committee on Consumer Protection and Commerce to review this matter further.

Your Committee has amended this measure by:

- (1) Specifying that the overall weight load on the utility pole must not exceed maximum utility pole safe weight capacities established by the Hawaii Public Utilities Commission, in addition to the Federal Communications Commission, when using that pole to install new or improve existing telecommunications cables;
- (2) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1342, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1342, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on Economic Revitalization & Business,

ANOUS L.K. MCKELVEY, Chair

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

## Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: Committe  HB 1342 EZ	e Referral:	F/N Date:	2/8/11	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2 CHOY Issue W (VC)				
2. CHOY, Isaac W. (VC)	/			
3. AWANA, Karen L.				
4. BROWER, Tom				
5. EVANS, Cindy	/			***
6. HASHEM, Mark J.				
7. NISHIMOTO, Scott Y.				
				-
8. TOKIOKA, James Kunane				
9. TSUJI, Clift	/			
10. MARUMOTO, Barbara C.				
11. PINE, Kymberly Marcos				
	/			
TOTAL (11)	11	0	10	10
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				