STAND. COM. REP. NO. 399 -12

Honolulu, Hawaii

Feb 15 , 2012

RE: H.B. No. 2526 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2526 entitled:

"A BILL FOR AN ACT RELATING TO REPORTING REQUIREMENTS FOR TELECOMMUNICATIONS AND CABLE TELEVISION PROVIDERS,"

begs leave to report as follows:

The purpose of this bill as received by your Committee is to improve telecommunications services for Hawaii consumers by:

- (1) Requiring cable operators, telecommunications carriers, and telecommunications common carriers to submit to the Department of Commerce and Consumer Affairs (DCCA) statements and periodic reports that contain specified information, including the location of all data centers, peak capacity of telecommunications networks, average overall network availability, peak bandwidth use, peak capacity of each internet connection, average network availability of each internet connection, and corporate financial data; and
- (2) Providing for the confidentiality of the information submitted by telecommunications providers to DCCA.

Your Committee held a public hearing on and deferred action on this bill. Subsequently, your Committee held another public hearing on a Proposed House Draft 1 (Proposed H.D. 1) of this measure. Prior to the public hearing, the Proposed H.D. 1 was circulated for public review and comment.

The purpose of the Proposed H.D. 1 is to expand the availability of broadband internet access for Hawaii consumers by:

- (1) Requiring cable operators, telecommunications carriers, and telecommunications common carriers that provide broadband internet service to submit to DCCA periodic informational reports that contain specified information, such as the availability and pricing of broadband service over the most recent 30-day period, detailed by the address or tax map key number of their customers, without any other personal or private information; and
- (2) Providing for the confidentiality of the information submitted by such telecommunications providers to DCCA.

DCCA; the Department of Business, Economic Development, and Tourism; and Sandwich Isles Communications, Inc., supported the Proposed H.D. 1. Hawaiian Telcom, AT&T, tw telecom of hawaii lp, and Verizon Wireless opposed the Proposed H.D. 1. T-Mobile submitted comments.

Your Committee notes that concerns were raised during the public hearing that particular provisions of the Proposed H.D. 1 might invade a customer's personal privacy.

After careful consideration, your Committee has further amended the Proposed H.D. 1 by:

- (1) Changing the effective date to January 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2526, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2526, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

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ROBERT N. HERKES, Chair

## State of Hawaii House of Representatives The Twenty-sixth Legislature

HSCR399-12

## Record of Votes of the Committee on Consumer Protection & Commerce

| Bill/Resolution No.: HB 2526 Committee  | ee Referral: | PC, FIN Date; | 2/4/20        | 12      |
|---|--------------|---------------|---------------|---------|
| ☐ 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) |              |               |               |         |
| CPC Members   | Ayes         | Ayes (WR)     | Nays          | Excused |
| 1. HERKES, Robert N. (C)  |              |               | <del>,,</del> |         |
| 2. YAMANE, Ryan I. (VC)   |              |               |               |         |
| 3. BROWER, Tom  |              |               |               |         |
| 4. CABANILLA, Rida T.R.   |              |               |               |         |
| 5. CARROLL, Mele  |              |               |               |         |
| 6. COFFMAN, Denny   |              |               |               | -       |
| 7. ITO, Ken   |              |               |               |         |
| 8. KEITH-AGARAN, Gilbert S.C.   |              |               |               |         |
| 9. LUKE, Sylvia   |              |               |               |         |
| 10. McKELVEY, Angus L.K.  |              |               |               |         |
| 11. SOUKI, Joseph M.  |              |               |               |         |
| 12. TSUJI, Clift  |              |               |               |         |
| 13. CHING, Corinne W.L.   |              |               |               |         |
| 14. MARUMOTO, Barbara C.  |              |               |               |         |
| 15. THIELEN, Cynthia  |              |               |               | · .     |
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| TOTAL (15)  | 9            | 2             |               | 3       |
| The recommendation is:  Adopted Not Adopted  If joint referral, did not support recommendation.   |              |               |               |         |
| Vice Chair's or designee's signature:   |              |               |               |         |
| Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO  |              |               |               |         |