

STAND. COM. REP. NO. **2944**

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2526
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Economic Development and Technology and
Commerce and Consumer Protection, to which was referred H.B.
No. 2526, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to require
reporting by telecommunications and cable television providers to
the Department of Commerce and Consumer Affairs and to provide
confidentiality for certain information and reports submitted.

Your Committees received testimony in support of this measure
from the Office of the Governor; Department of Business, Economic
Development, and Tourism; and Department of Commerce and Consumer
Affairs. Your Committees received testimony in opposition to this
measure from AT&T Services, Inc., and CTIA-The Wireless
Association. Your Committees received comments on this measure
from Hawaiian Telcom, TW Telecom of Hawaii, and Sandwich Isles
Communications, Inc.

Your Committees find that the development of 21st century
communications infrastructure and statewide access to advanced
information services is critical to the State's residents and
their economic future. To meet this challenge, the State requires
data to adapt its policies to address a swiftly changing
communications industry. Your Committees further find that under

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the Department of Commerce and Consumer Affairs' broadband development grant awarded pursuant to the American Recovery and Reinvestment Act of 2009, Act 199, Session Laws of Hawaii 2010, and the Broadband Initiative, the Department of Commerce and Consumer Affairs has been charged with tasks to encourage and expedite broadband infrastructure development.

The Department of Commerce and Consumer Affairs has stated that access to accurate and current information on the State's communications infrastructure and broadband service availability is key to effective policies and programs to advance broadband access, lobbying for federal funds for broadband infrastructure, and identifying the best strategies to leverage government resources and future projects to foster infrastructure deployment, especially in unserved and underserved areas of the State.

While your Committees are supportive of the need for information, particularly with regards to meeting the federal grant requirements, your Committees agree with many of the concerns expressed by the providers that would be most affected by this measure. In particular, it was noted that no other state mandates companies to provide information at the level proposed in this measure, and in some states the broadband mapping is undertaken on an entirely voluntary level.

Your Committees find merit in both arguments, and have looked for common elements to provide a workable framework from which the Department of Commerce and Consumer Affairs can begin its broadband mapping initiatives, while ensuring greater protection of the information submitted by providers.

Your Committees have amended this measure by:

- (1) Amending the definition of "broadband speed threshold" to mean the highest speed threshold defined or established by the Federal Communications Commission in its broadband progress report applicable for the time period for which an informational report is filed pursuant to this measure;
- (2) Changing the starting date of the informational reports from July 31, 2012, to January 31, 2013, and every January 31 thereafter;



- (3) Clarifying that for the informational reports, commercial mobile radio service providers shall file with the department data and information that is the same as and not inconsistent with information filed with the Federal Communications Commission;
- (4) Clarifying that the information gathered will focus on tax map key parcels that cannot be served in a census-block at the broadband speed threshold, with the focus on rural areas;
- (5) Deleting the authorization for the Department of Commerce and Consumer Affairs to request additional information from providers;
- (6) Clarifying that confidential information will be kept confidential;
- (7) Deleting the Department of Commerce and Consumer Affairs' authority to share information and data with the Attorney General, the Consumer Advocate, and the Director of Business, Economic Development, and Tourism for the performance of these agencies' duties;
- (8) Clarifying that the Department of Commerce and Consumer Affairs may disclose aggregated mapping information and data in the Director's discretion to prevent identification of a provider with the specific data furnished by that provider;
- (9) Requiring the Department of Commerce and Consumer Affairs to ensure the security and confidentiality of the information, protect against any anticipated threats or hazards to the security or integrity of the information; and protect against unauthorized access to or use of the information that could result in personal or competitive harm to individuals or providers;
- (10) Inserting an effective date of July 1, 2012; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

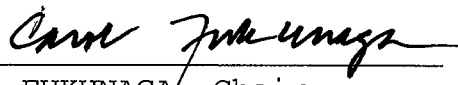
As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Commerce and



Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2526, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2526, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Economic
Development and Technology and
Commerce and Consumer
Protection,


ROSALYN H. BAKER, Chair


CAROL FUKUNAGA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* HB2526 HD2	Committee Referral: EDT/CPN, WAN	Date: 3/19/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	4	Ø	Ø	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

***Only one measure per Record of Votes**

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2520 HDZ	EDT/CPN, WAM	3-19-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh				✓
NISHIHARA, Clarence K.				✓
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

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