

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 635, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BROADBAND,"

begs leave to report as follows:

The purpose of this measure is to expedite the approval process for broadband-related permits while maintaining utility pole public safety standards by requiring:

- The State and counties to approve, approves with modification, or disapprove all broadband-related permits within 60 business days of submission of a permit application and fee;
- (2) That the permit application will be deemed as approved if no action is taken by the permitting authority within 60 business days;
- (3) The Public Utilities Commission to use reasonable best efforts to comply with safety and engineering standards for permitted projects; and
- (4) That the permit approval requirements shall not affect the provisions of Act 151, Session Laws of Hawaii 2011, which establishes utility pole public safety standards.



STAND. COM. REP. NO. 557 Page 2

The Department of Transportation, Office of Information Management and Technology, Department of Commerce and Consumer Affairs, Oceanic Time Warner Cable, Hawaiian Electric Company, Hawaiian Telcom, tw telecom, and an individual testified in support of this measure. The Department of Land and Natural Resources testified in opposition to this measure. The Department of Business, Economic Development and Tourism, and Public Utilities Commission provided comments on this measure

Your Committee has amended this measure by:

- Specifying that the language that exempts the State, counties, and public utilities from prosecution for actions related to approval and execution of permits applies only to the actions authorized by this measure;
- (2) Adding language to explicitly state that the Federal Communications Commission and Public Utilities Commission have the authority to regulate utility pole weight capacity;
- (3) Clarifying that the undersea cable included in the definition of "broadband-related permit" is an undersea communications cable;
- (4) Specifying that the State shall have either one hundred twenty or one hundred eighty days to approve, approve with modification, or disapprove a conservation district use application for broadband facilities depending on the technical complexity of the broadband facility;
- (5) Specifying that an applicant shall use reasonable best efforts to comply with all applicable safety and engineering broadband related requirements and that a public utility shall have an unqualified duty to comply;
- (6) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purpose of clarity, consistency, and style.



STAND. COM. REP. NO. 85/

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. 635, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 635, H.D. 2.

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

ANGUS L.K. MCKELVEY, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 85/

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

Bill/Resolution No.: HB635 HP	EDB, CPC	Date:	Date: 2/25/13	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold   Image: Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)				
2. KAWAKAMI, Derek S.K. (VC)				
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CABANILLA, Rida T.R.				
6. CACHOLA, Romy M.				
7. CARROLL, Mele				
8. EVANS, Cindy				
9. HAR, Sharon E.				
10. ITO, Ken				
11. LEE, Chris				··
12. TSUJI, Clift				
13. YAMANE, Ryan I.				
14. MCDERMOTT, Bob				V
15. THIELEN, Cynthia			$\checkmark$	
				· ·
			<u></u>	
TOTAL (15)	0			4
The recommendation is: 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				