

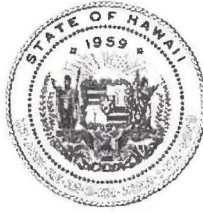
SB 2793

Measure Title: RELATING TO BROADBAND.

Report Title: Broadband Permits; Automatic Approval; Construction

Description: Extends the provisions of Act 264, SLH 2013, which requires the State and the counties to take action within sixty days for broadband-related permit applications, requires the State to take action within one hundred forty-five days for use applications for broadband facilities within the conservation district, establishes other requirements regarding broadband-related permits, and subjects weight load for utility poles to capacities established by the FCC and PUC. Repeals on June 30, 2023.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
ECONOMIC DEVELOPMENT, ENVIRONMENT & TECHNOLOGY

Friday, February 05, 2016
1:15pm
State Capitol, Conference Room 414

In consideration of
SENATE BILL 2793
RELATING TO BROADBAND

Senate Bill 2793 proposes to extend the provisions of Act 264, Session Laws of Hawaii 2013 which requires the State to take timely action on broadband-related permit applications or the application may be automatically deemed approved. This Act would be repealed on June 30, 2023 versus the current June 30, 2018. The Department of Land and Natural Resources (Department) has no objection to the proposed extension pertaining to permits issued by the Department.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
CABLE TELEVISION DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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CATHERINE P. AWAKUNI COLLINS
DIRECTOR

JI SOOK KIM
CABLE TELEVISION ADMINISTRATOR

TO THE SENATE COMMITTEE ON
ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Date: Friday, February 5, 2016
Time: 1:15 p.m.

TESTIMONY ON **S.B. NO. 2793** – RELATING TO BROADBAND.

TO THE HONORABLE GLENN WAKAI, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is **Ji Sook “Lisa” Kim**, and I am the Cable Television Administrator at the Department of Commerce and Consumer Affairs (the “Department”). The Department appreciates the opportunity to express **support** for S.B. No. 2793, which extends, among other things, the permitting and approval exemptions provided for certain broadband-related infrastructure directly related to the improvement or installation of telecommunications cables under Act 151, Session Laws of Hawaii 2011 (“Act 151”), as amended by Act 264, Session Laws of Hawaii 2013 (“Act 264”), for five (5) years to January 1, 2022; and which extends the provisions of Act 264, which require the State and the counties to take action within sixty (60) days for broadband-related permit applications, and within one hundred forty-five (145) days for use applications for broadband facilities within the conservation district, for five (5) years to June 30, 2023.

The purpose of Act 151 was “to facilitate the deployment of high-speed broadband infrastructure in Hawaii by exempting the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology from state and county permitting requirements, under certain conditions, and reducing the time and costs associated with requests for access to utility

poles and conduits.” Under Act 151, a person or entity taking any action utilizing an exemption is required to provide notice at least thirty (30) calendar days before the action is taken by electronic posting in the form and on the State website designated by the Director of Commerce and Consumer Affairs for such posting.

Act 151 also required the Department to submit a report to the 2016 Legislature on the state of broadband communications in Hawaii and the Act 151 exemptions, including a recommendation on whether to extend the exemptions. This report was filed with the Legislature as DC160 on January 20, 2016 (“Act 151 Report”).

The Department reported that, to date, no entity had provided the required notice of action to utilize Act 151. The Department also reported that it had asked the three major broadband providers in the State, Oceanic Time Warner Cable, Hawaiian Telcom and Level 3 Communications (which acquired tw telecom in 2014), about their intent to utilize the Act 151 provisions and for any other comments regarding Act 151. DCCA received responses from Oceanic Time Warner Cable and Hawaiian Telcom, copies of which are attached to the Act 151 Report as Appendices “F” and “G” respectively. Although neither company had yet used the Act 151 exemptions, both companies supported the intent of Act 151 and its provisions, and wanted to preserve the opportunity to utilize Act 151 in the future.

Specifically, Oceanic Time Warner Cable stated its support of Act 151, as well as Act 264, in part, as follows:

[O]ceanic believes that the streamlined government approval process as provided by the Acts will materially facilitate Oceanic’s development and deployment of broadband infrastructure in appropriate future projects and circumstances, and that the provisions of the Acts are important components of the State’s overall broadband policy. In addition, given the Federal Communication Commission’s recognition that the “lack of reliable, timely, and affordable access to physical infrastructure – particularly utility poles – is often a significant barrier to deploying wireline and wireless [broadband] services” (See Report and Order and Order on Reconsideration, 26 F.C.C. Rcd. 5240 (2011)), Oceanic also supports provisions in the Acts recognizing and reinforcing that public utilities must adhere to federal pole attachment requirements and timelines (including the requirement of providing specific reasons and evidence for attachment denials).

Oceanic Time Warner Cable expressed its belief that both Act 151 and Act 264 should be extended for a minimum of five (5) years, although noting that making their provisions permanent would provide the most regulatory certainty for broadband providers (to facilitate infrastructure and budgetary planning).

Hawaiian Telcom expressed its support for extension of Act 151, stating in part as follows:

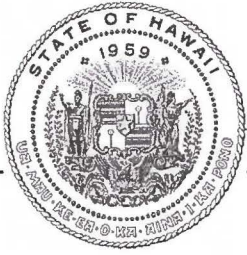
While Hawaiian Telcom has not taken advantage of the provisions of Act 151, we continue to support the intent of Act 151, which is to advance the deployment of our state's broadband infrastructure by streamlining the governmental permit process, and we believe this Act should be extended.

During our internal discussions regarding the extension of Act 151, Hawaiian Telcom identified a project that may have benefitted from the permitting exemption provided under Act 151. If a project with similar circumstances occurs in the future, Hawaiian Telcom will seriously consider applying for an exemption under Act 151.

... Act 151 is a forward-looking measure which helps align Hawaii's policy objectives with governmental regulations that encourage greater investment in broadband infrastructure.

The Department supports permit streamlining that can facilitate statewide access to affordable, high speed broadband services necessary to build a vibrant economy and to improve the quality of life for our residents. Extension of provisions of Act 151 and Act 264 will provide additional time for providers to utilize those provisions, which in turn would allow the State to determine the effectiveness of the acts in expediting broadband infrastructure deployment in the State. The Department, thus, supports passage of S.B. No. 2793.

Thank you for the opportunity to testify on this bill.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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GOVERNOR

LUIS P. SALAVERIA
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Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT, AND
TECHNOLOGY**

Friday, February 05, 2016
1:15pm
State Capitol, Conference Room 414
in consideration of
SB 2793
RELATING TO BROADBAND.

Chair Wakai, Vice Chair Slom, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports SB 2793, which extends the provisions of Act 264, SLH 2013, which requires the State and the counties to take action within sixty days for broadband-related permit applications, requires the State to take action within one hundred forty-five days for use applications for broadband facilities within the conservation district; establishes other requirements regarding broadband-related permits; and subjects weight load for utility poles to capacities established by the FCC and PUC. Repeals on June 30, 2023.

DBEDT supports measures that allow for more efficiencies in the broadband-related permitting process. The department believes that improvements in the permitting process will allow for more private sector participants and can lead to increased competition in Hawaii's broadband sector. Increasing Hawaii's broadband capacity is key for enabling rapid access of information; accelerating business development; connecting first responders more efficiently; creating telemedicine opportunities for the healthcare industry; enhancing educational resources; improving communications networks; enhancing telecommuting; enabling smart grid technology; and addressing existing cable end-of-life issues.

Thank you for the opportunity to offer these comments on SB 2793.

SB 2793

RELATING TO BROADBAND

KEN HIRAKI

VICE PRESIDENT-GOVERNMENT & COMMUNITY AFFAIRS

HAWAIIAN TELCOM

February 5, 2016

Chair Wakai and members of the Committee:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom (HT) on SB 2793.

Hawaiian Telcom supports SB 2793 which will extend the provisions of Act 264, SLH 2013, to June 30, 2023. As an active member of the State Broadband Assistance and Advisory Committee, we support legislation designed to accelerate the timely deployment of broadband services throughout the state.

Delays in approving broadband permits result in higher deployment costs and impair Hawaii's ability to effectively compete in the global economy. Approval of SB 2793 will assist broadband providers to meet the rapidly growing public demand for the most advanced broadband products and services.

Hawaiian Telcom respectfully requests SB 2793 be passed.

Thank you for the opportunity to testify.

Testimony before the Senate Committee On Economic Development, Environment, and Technology

By Paul A. Nakagawa
Superintendent, T&D Infrastructure
Construction and Maintenance Department
Hawaiian Electric Company, Inc.

February 05, 2016
1:15 pm, Conference Room 414

Senate Bill 2793
Relating to Broadband

Chair Wakai, Vice Chair Slom, and Members of the Committee:

My name is Paul Nakagawa and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawai'i Electric Light Company and Maui Electric Company (collectively, the "Hawaiian Electric Companies") in support of SB 2793.

Thank you for the opportunity to testify on this measure.



Chamber of Commerce HAWAII
The Voice of Business

**Testimony to the Senate Committee on Economic Development, Environment
and Technology
Friday, February 5, 2016 at 1:15 P.M.
Conference Room 414, State Capitol**

RE: SENATE BILL 2793 RELATING TO BROADBAND

Chair Wakai, Vice Chair Slom, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") supports SB 2793, which extends the provisions of Act 264, SLH 2013, which requires the State and the counties to take action within sixty days for broadband-related permit applications, requires the State to take action within one hundred forty-five days for use applications for broadband facilities within the conservation district, establishes other requirements regarding broadband-related permits, and subjects weight load for utility poles to capacities established by the FCC and PUC. Also repeals on June 30, 2023.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

An effective and comprehensive solution improving broadband deployment throughout the State will allow providers to meet an ever increasing public demand for broadband services. By accelerating the deployment, this legislation will further Hawaii's ability to compete globally.

Thank you for the opportunity to testify.