
A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 269-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "telecommunications
3 carrier" or "telecommunications common carrier" to read as
4 follows:

5 ""Telecommunications carrier" or "telecommunications common
6 carrier" means any person that owns, operates, manages, or
7 controls any facility used to furnish telecommunications
8 services for profit to the public, or to classes of users as to
9 be effectively available to the public, engaged in the provision
10 of services, such as voice, data, image, graphics, and video
11 services, that make use of all or part of their transmission
12 facilities, switches, broadcast equipment, signalling, or
13 control devices[+] and shall include internet service
14 providers."

15 SECTION 2. Section 269-16.9, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:



1 "(a) Notwithstanding any provision of this chapter to the
2 contrary, the commission, upon its own motion or upon the
3 application of any person, and upon notice and hearing, may
4 exempt a telecommunications provider or a telecommunications
5 service from any or all of the provisions of this chapter,
6 except the provisions of section 269-34, upon a determination
7 that the exemption is in the public interest[-]; provided that
8 the commission shall not exempt internet service providers from
9 the provisions of this chapter. In determining whether an
10 exemption is in the public interest, the commission shall
11 consider whether the exemption promotes state policies in
12 telecommunications, the development, maintenance, and operation
13 of effective and economically efficient telecommunications
14 services, and the furnishing of telecommunications services at
15 just and reasonable rates and in a fair manner in view of the
16 needs of the various customer segments of the telecommunications
17 industry. Among the specific factors the commission may
18 consider are:

- 19 (1) The responsiveness of the exemption to changes in the
20 structure and technology of the State's
21 telecommunications industry;



- (2) The benefits accruing to the customers and users of the exempt telecommunications provider or service;
- (3) The impact of the exemption on the quality, efficiency, and availability of telecommunications services;
- (4) The impact of the exemption on the maintenance of fair, just, and reasonable rates for telecommunications services;
- (5) The likelihood of prejudice or disadvantage to ratepayers of basic local exchange service resulting from the exemption;
- (6) The effect of the exemption on the preservation and promotion of affordable, universal, basic telecommunications services as those services are determined by the commission;
- (7) The resulting subsidization, if any, of the exempt telecommunications service or provider by nonexempt services;
- (8) The impact of the exemption on the availability of diversity in the supply of telecommunications services throughout the State;



- (9) The improvements in the regulatory system to be gained from the exemption, including the reduction in regulatory delays and costs;
- (10) The impact of the exemption on promoting innovations in telecommunications services;
- (11) The opportunity provided by the exemption for telecommunications providers to respond to competition; and
- (12) The potential for the exercise of substantial market power by the exempt provider or by a provider of the exempt telecommunications service."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Sen Quil
Sen C.W.
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H.B. NO. 2682

Report Title:

Public Utilities Commission; Internet Service Providers;
Regulatory Authority

Description:

Provides the Public Utilities Commission with explicit authority to regulate internet service providers by amending the definition of telecommunications carrier to include an internet service provider.

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