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# SENATE RESOLUTION

URGING THE PUBLIC UTILITIES COMMISSION TO CONSIDER AND ADOPT AN EFFICIENT, STREAMLINED PROCESS TO REVIEW REQUESTS MADE BY ELECTRIC UTILITIES TO PROVIDE MIDDLE MILE BROADBAND SERVICES IN FURTHERANCE OF THE STATE'S EFFORTS TO EXPEDITE BROADBAND ACCESS TO UNSERVED AND UNDERSERVED AREAS.

1           WHEREAS, over the past two years, the coronavirus disease  
2 2019 pandemic has transformed the lives of citizens of the State  
3 and beyond, and revealed the importance of broadband equity to  
4 ensure fair access to telework, telemedicine, and remote  
5 learning opportunities for the people of Hawaii; and  
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7           WHEREAS, concurrently, electric utilities across the United  
8 States are increasingly reliant on telecommunications  
9 infrastructure to support modern grid operations and manage  
10 increasing volumes of distributed energy resources, which  
11 requires that electric utilities modernize their grids to  
12 include robust and diverse telecommunications infrastructure to  
13 all grid assets at the edge of every community; and  
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15           WHEREAS, the State's regulated electric utilities are well-  
16 positioned to help bridge the digital divide by leveraging  
17 excess capacity on that same utility telecommunications  
18 infrastructure to provide "middle mile" broadband services and  
19 enable internet service providers to offer services to  
20 communities that are otherwise cost-prohibitive to reach; and  
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22           WHEREAS, this represents a common-sense approach to  
23 addressing the digital divide, presenting an additional approach  
24 for internet service providers to offer broadband in low- to  
25 moderate-income, hard-to-reach communities; and  
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27           WHEREAS, the expansion of broadband services aligns with  
28 the State's current efforts to expedite the deployment of  
29 broadband, as well as the national trend of related legislation;  
30 and  
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1           WHEREAS, the National Association of Regulatory Utility  
2 Commissioners issued a resolution, on November 9, 2021, that  
3 underscores the importance of electric utilities' active  
4 participation in broadband expansion through utilization of  
5 existing telecommunication infrastructure; and  
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7           WHEREAS, President Biden signed the Infrastructure  
8 Investment and Jobs Act into law on November 15, 2021, which  
9 provides \$1.2 trillion in federal investment in roads and  
10 bridges, water infrastructure, resilience, internet, including  
11 \$1 billion to expand middle mile infrastructure to reduce the  
12 cost of connecting unserved and underserved areas; and  
13

14           WHEREAS, the electric utilities do not currently see  
15 barriers to entering the middle mile telecommunications market  
16 but are concerned over the length of time needed for its  
17 approvals as competitive federal broadband funding become  
18 available; and  
19

20           WHEREAS, the Public Utilities Commission's development of  
21 an expedited process would help address the growing need for  
22 access to broadband and enable equitable access to telework,  
23 telemedicine, remote learning, and participation in the digital  
24 economy; and  
25

26           WHEREAS, existing regulated public utilities are able to  
27 provide foundational, diverse middle mile broadband services to  
28 internet service providers and other third parties without  
29 duplicating efforts or congesting rights-of-way or view planes,  
30 allowing electric utilities and internet service providers to  
31 partner together; and  
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33           WHEREAS, the Public Utilities Commission and the Consumer  
34 Advocate are authorized under sections 269-39, 269-51, and  
35 269-54, Hawaii Revised Statutes, to provide regulatory oversight  
36 of electric utilities to ensure that, among other things, an  
37 electric utility does not favor itself or its affiliates, does  
38 not cross-subsidize any of its activities with ratepayers'  
39 funds, and provides maximum value to the ratepayer, ensuring  
40 that no electric service rates include funding for facilities  
41 beyond that which is reasonably required for the provision of  
42 electric service; and



1  
2 WHEREAS, in conjunction with the Federal Communications  
3 Commission's authority and the Federal Pole Attachment Act, the  
4 Public Utilities Commission also exercises authority over  
5 electric utilities that own distribution poles, requiring that  
6 they provide non-discriminatory access to their poles and comply  
7 with the strict federal timelines and federal rules and  
8 regulations governing pole attachments; and  
9

10 WHEREAS, the Legislature supports electric utilities  
11 providing middle mile broadband service using the excess  
12 capacity of their electrical service infrastructure to internet  
13 service providers and other third parties; now, therefore,  
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15 BE IT RESOLVED by the Senate of the Thirty-first  
16 Legislature of the State of Hawaii, Regular Session of 2022,  
17 that the Public Utilities Commission is urged to consider and  
18 adopt an efficient, streamlined process to review requests made  
19 by electric utilities under section 269-19, Hawaii Revised  
20 Statutes, to provide middle mile broadband services in  
21 furtherance of the State's efforts to expedite broadband access  
22 and equity, facilitate digital equity, and promote expeditious  
23 broadband deployment to areas of the State that are unserved and  
24 underserved; and  
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26 BE IT FURTHER RESOLVED that, to facilitate a streamlined  
27 process while still protecting electric customers and  
28 telecommunications markets, the Public Utilities Commission is  
29 requested to consider whether a standardized application that  
30 requires electric utility companies to file more than sufficient  
31 information to facilitate a streamlined and efficient review  
32 process is warranted, rather than requiring regulators to rely  
33 on a discovery process to address concerns; and  
34

35 BE IT FURTHER RESOLVED that the Public Utilities Commission  
36 is requested to ensure that a level playing field and  
37 appropriate levels of competition in the telecommunications  
38 infrastructure industry is maintained; and  
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40 BE IT FURTHER RESOLVED that certified copies of this  
41 Resolution be transmitted to the Chairperson of the Public  
42 Utilities Commission; Executive Director of the Division of



- 1 Consumer Advocacy; Director of Business, Economic Development,
- 2 and Tourism; President and Chief Executive Officer of the
- 3 Hawaiian Electric Company, Inc.; and Chair of the Board of
- 4 Directors of the Kaua'i Island Utility Cooperative.

