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# SENATE CONCURRENT 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  
6

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



1 broadband, as well as the national trend of related legislation;  
2 and

3  
4 WHEREAS, the National Association of Regulatory Utility  
5 Commissioners issued a resolution, on November 9, 2021, that  
6 underscores the importance of electric utilities' active  
7 participation in broadband expansion through utilization of  
8 existing telecommunication infrastructure; and

9  
10 WHEREAS, President Biden signed the Infrastructure  
11 Investment and Jobs Act into law on November 15, 2021, which  
12 provides \$1.2 trillion in federal investment in roads and  
13 bridges, water infrastructure, resilience, internet, including  
14 \$1 billion to expand middle mile infrastructure to reduce the  
15 cost of connecting unserved and underserved areas; and

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

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

28  
29 WHEREAS, existing regulated public utilities are able to  
30 provide foundational, diverse middle mile broadband services to  
31 internet service providers and other third parties without  
32 duplicating efforts or congesting rights-of-way or view planes,  
33 allowing electric utilities and internet service providers to  
34 partner together; and

35  
36 WHEREAS, the Public Utilities Commission and the Consumer  
37 Advocate are authorized under sections 269-39, 269-51, and  
38 269-54, Hawaii Revised Statutes, to provide regulatory oversight  
39 of electric utilities to ensure that, among other things, an  
40 electric utility does not favor itself or its affiliates, does  
41 not cross-subsidize any of its activities with ratepayers'  
42 funds, and provides maximum value to the ratepayer, ensuring



1 that no electric service rates include funding for facilities  
2 beyond that which is reasonably required for the provision of  
3 electric service; and  
4

5 WHEREAS, in conjunction with the Federal Communications  
6 Commission's authority and the Federal Pole Attachment Act, the  
7 Public Utilities Commission also exercises authority over  
8 electric utilities that own distribution poles, requiring that  
9 they provide non-discriminatory access to their poles and comply  
10 with the strict federal timelines and federal rules and  
11 regulations governing pole attachments; and  
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13 WHEREAS, the Legislature supports electric utilities  
14 providing middle mile broadband service using the excess  
15 capacity of their electrical service infrastructure to internet  
16 service providers and other third parties; now, therefore,  
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18 BE IT RESOLVED by the Senate of the Thirty-first  
19 Legislature of the State of Hawaii, Regular Session of 2022, the  
20 House of Representatives concurring, that the Public Utilities  
21 Commission is urged to consider and adopt an efficient,  
22 streamlined process to review requests made by electric  
23 utilities under section 269-19, Hawaii Revised Statutes, to  
24 provide middle mile broadband services in furtherance of the  
25 State's efforts to expedite broadband access and equity,  
26 facilitate digital equity, and promote expeditious broadband  
27 deployment to areas of the State that are unserved and  
28 underserved; and  
29

30 BE IT FURTHER RESOLVED that, to facilitate a streamlined  
31 process while still protecting electric customers and  
32 telecommunications markets, the Public Utilities Commission is  
33 requested to consider whether a standardized application that  
34 requires electric utility companies to file more than sufficient  
35 information to facilitate a streamlined and efficient review  
36 process is warranted, rather than requiring regulators to rely  
37 on a discovery process to address concerns; and  
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39 BE IT FURTHER RESOLVED that the Public Utilities Commission  
40 is requested to ensure that a level playing field and  
41 appropriate levels of competition in the telecommunications  
42 infrastructure industry is maintained; and



1  
2 BE IT FURTHER RESOLVED that certified copies of this  
3 Concurrent Resolution be transmitted to the Chairperson of the  
4 Public Utilities Commission; Executive Director of the Division  
5 of Consumer Advocacy; Director of Business, Economic  
6 Development, and Tourism; President and Chief Executive Officer  
7 of the Hawaiian Electric Company, Inc.; and Chair of the Board  
8 of Directors of the Kaua'i Island Utility Cooperative.

