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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Thursday, February 16, 2023
2:00 p.m.
Conference Room 329**

**On the following measure:
H.B. 933, H.D. 1, RELATING TO TELECOMMUNICATIONS ACCESS FOR
INDIVIDUALS WITH PRINT DISABILITIES**

Chair Nakashima and Members of the Committee:

My name is Dean Nishina, and I am the Acting Executive Director for the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department offers comments on this bill.

The purpose of this bill is to require the Public Utilities Commission (Commission) to use Universal Service Fund moneys to provide free telecommunications access to certain information for individuals with print disabilities.

The Department supports the provision of affordable utility services, including basic telecommunications services for all customers, regardless of their socioeconomic status or location. The Department appreciates the intent of this bill to assist individuals with print disabilities to have access to time-sensitive information such as state and local government information and public notices, emergency alerts, job opportunities, daily

newspapers, and other content, but respectfully offers that the proposed use of “Universal Service Fund moneys” as the funding source for such services, may be misplaced.

For context, the Federal Universal Service Fund (USF) was established to ensure that basic telecommunications services would be available to all, including low-income households and customers who may live in rural, high-cost areas. Over time, the USF has evolved but remains focused on ubiquitous affordable access to telecommunications services. When the regulation of telecommunications companies was evolving at the Federal level, Hawaii was undergoing through a similar modification of regulation, which involved consideration of the need for a separate State USF to address the possibility that the Federal USF may be inadequate to address the provision of affordable telecommunications services in certain high-cost areas in Hawaii. Thus, Hawaii stakeholders pursued actions that would allow the Commission to establish a State Universal Service (USF) program through Hawaii Revised Statutes (HRS) § 269-41 and the creation of a universal service special fund outside of the state treasury and require all telecommunications carriers to contribute to the fund under HRS § 269-42. However, as no state telecommunications carrier identified the need for additional monies beyond the Federal USF, the State USF was not stood up. Thus, a State USF program and its associated special fund currently does not exist to fund the services contemplated in the bill.

The Department is concerned with the proposed use of the fund for purposes not normally associated with the provision of utility services. The Department continues to research whether there are any similar programs that are established elsewhere in the nation that are funded by utility customers. It should be noted that the Commission’s authority to assess all telecommunication carriers a contribution (i.e., a charge) to fund a State USF program will ultimately be passed-on to ratepayers of telecommunications service as another line-item charge/surcharge on each customer’s bills. This additional charge on consumers will likely exacerbate concerns with affordability of basic telecommunications services. Due to various changes in the industry, each year the customer base for traditional land-line home telecommunication services, for example, is noticeably shrinking, with more and more customers abandoning their service, leaving a

smaller base of customers to fund the services envisioned in this bill. Adding another fee/charge on customers' bill may result in a more rapid pace of customers transitioning to other services, further harming consumers that continue to utilize traditional home telephone services.

In addition, imposing a new charge on consumers of telecommunications services for the services contemplated in this bill can be a "social tax" imposed on a segment of society as opposed to the overall public in general. The Department offers that utility rates are regressive in nature where the rates can often represent a significant portion of customers' bills, such as elderly customers on fixed incomes and low-income households and, thus, respectfully requests that utility rates not be used as a form of taxation due to the adverse impacts on utility customers.

Thus, while the Department supports the intent of the measure, it respectfully requests that the proposed objectives of the measure be funded by a source other than utility customers through the State USF or regular utility rates.

Thank you for the opportunity to testify on this bill.

TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

February 16, 2023
2:00 p.m.

Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

MEASURE: H.B. No. 933. HD1

TITLE: RELATING TO TELECOMMUNICATIONS ACCESS FOR INDIVIDUALS WITH PRINT DISABILITIES.

DESCRIPTION: Requires the public utilities commission to use universal service fund moneys to provide free telecommunications access to certain information for individuals with print disabilities. Effective 7/1/3000. (HD1)

POSITION:

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

COMMENTS:

The Commission appreciates the intent of this measure to help support individuals with print disabilities through provision of free telecommunications access of certain information.

The Commission observes that the State of Hawaii’s (“State”) Universal Service Program and Fund (“USF”), while established in HRS § 269-41 and 269-42, and administrative rules promulgated as HAR chapter 6-81 has never been active due lack of authorization to start a State USF program, and further notes there are no funds in the State USF. The Commission appreciates the House Committee on Higher Education & Technology’s amendments that provide the Commission explicit authority to draw from the State USF. It should be noted that in addition to the lack of authorization to start the USF program and the lack of funds in the State USF, the USF program does not have a budget

authorization to expend funds beyond the Commission's currently contemplated budget ceiling. The Commission also notes that the federal USF is administered by the FCC for the purposes of assisting persons who have blindness and deafness.

Should this measure pass, the Commission will be required to undertake a proceeding to investigate the amounts to collect from telecommunication carriers before an order can be issued setting the amounts to be collected from telecommunication carriers.

Further, if the Legislature wishes to pass this measure, the Commission respectfully suggests it be provided a budget authorization to expend funds via an increase to its budget ceiling.

The Commission is willing to work with the Committee and stakeholders to further develop this new section in meeting the Legislature's intent.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
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Honolulu, Hawaii 96809-0339

February 14, 2023

TO: The Honorable Representative Mark M. Nakashima, Chair
House Committee on Consumer Protection & Commerce

FROM: Cathy Betts, Director

SUBJECT: **[HB 933 HD1](#) – RELATING TO TELECOMMUNICATIONS ACCESS FOR INDIVIDUALS
WITH PRINT DISABILITIES**

Hearing: Thursday, February 16, 2023, 2:00 p.m.
Conference Room 329 & Videoconferencing, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill, provides comments, and defers to the Public Utilities Commission.

PURPOSE: The purpose of the bill is to require the Public Utilities Commission to provide free telecommunications access to certain information for persons with print disabilities through use of the universal service fund.

The Department of Human Services, Division of Vocational Rehabilitation (DVR), administers state-wide vocational rehabilitation services programs for persons with physical and mental disabilities, including the blind and deaf communities. These VR services include independent living rehabilitation services for persons with severe disabilities, general services for persons who are blind and visually impaired, and the disability determination of claims for Social Security Disability Insurance and Supplemental Security Income benefits issued by the Social Security Administration.

DVR recognizes the importance of providing timely and essential information to all community members, including those with print disabilities, in an accessible format. DVR appreciates that HD 1 includes language providing explicit authorization for the Public Utilities Commission to use the State of Hawaii's Universal Service Program and Fund (USF) to provide access for individuals with print disabilities. However, it is unclear whether the USF is currently funded.

DVR looks forward to the day that it will be implemented.

Thank you for the opportunity to provide comments in support of this measure.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

February 16, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

House Bill 933 HD1 – Relating to Telecommunications Access for Individuals with Print Disabilities

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 933 HD1 – Relating to Telecommunications Access for Individuals with Print Disabilities. This bill would require the Public Utilities Commission to use Universal Service Fund moneys to provide free telecommunications access to certain information for individuals with print disabilities.

The Americans with Disabilities Act (ADA) requires effective communication with people who have disabilities, including print disabilities. The goal is to ensure that communication with people with disabilities is equally effective as communication with people without disabilities. This bill would make time-sensitive information, including but not limited to, state and local government information, public notices, emergency alerts, job opportunities, and daily newspapers, more accessible to individuals with print disabilities.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

HB-933-HD-1

Submitted on: 2/15/2023 1:37:47 PM

Testimony for CPC on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	National Organization of Parents of Blind Children	Support	In Person

Comments:

Testimony of Tabatha Mitchell

Submitted for National Organization of Parents of Blind Children - Hawaii representative

Committee on Consumer Protection and Commerce (CPC)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

February 16, 2023, 2:00 PM, hearing on HB933 H.D.1

Aloha members of the committee. I am Tabatha Mitchell, representing the National Organization of Parents of Blind Children where I proudly volunteer & serve the blind keiki & their parents throughout all of the Hawaiian Islands. We ask for your support for HB933 H.D.1. and thank you for holding this hearing. It allows me to share a couple of stories that I think you need to hear.

My daughter is a Braille reader. She is a high school Jr now. When she was 3 she was identified as blind after being diagnosed with a very rare genetic disorder that resulted from a genetic mutation. She was totally disinterested in TV, which is how we entertain even the youngest of our keiki. She could not play board games. She could not do puzzles. She could not see baby board books. She could not flip through Highlights & look at the pictures and get interested in reading. She could not go to the public library to check out books because they don't carry Braille & tactile picture books and picture books as you know them have zero excitement for a blind child.

She could not do a whole lot of things - because she could not see. Our society, in general, was not built for blind people; let alone blind keiki.

But what our blind daughter COULD do was call Newsline. We found a landline phone that had big Braille buttons. She learned the keypad & learned to dial numbers on the phone because they were in her language - Braille. Not only was this how we introduced our daughter to Braille in her natural home environment, but this is how she accessed information about the world. She discovered that she could check the weather - on her own. She became the weather lady for our family of 7.

She became accustomed to Braille. It was part of her every day. Our family became accustomed to Braille - it was her language. This activity defused the concept that Braille was going to be SO hard to learn. Not just for her, but for our whole family and for all that came into our home and witnessed our little Eme dialing up the news & the weather on her Braille landline phone.

In addition, Newsline enabled her to be included in daily conversations. And to be included in our society and our culture of being informed. I often attribute her robust vocabulary and her current status as an honor student with her early exposure to Newsline - which she dialed up independently on her phone.

Fast forward ten years. I am currently working with a family of a very young blind child on the Big Island and they have the same struggles that we did. I was just talking with them about Newsline and how it works. I'm excited to share that it now contains fantastic content curated specifically for young kids - including Highlights & National Geographic for Kids. It is a tremendous resource for our blind keiki throughout the islands. A source for homework, a source for inclusion, and a source that will grow with them into adulthood & retirement!

Another blind student that I work with on Oahu is now being homeschooled because of lack of support in the public school system. Because of lack of training, he does not have strong technology skills & cannot efficiently use a phone or computer with a screenreader. I was just teaching his parents about Newsline and how he could use it to study current events and obtain many educational resources as they try to get on their feet and learn to homeschool.

Unfortunately, the number of parents forced to homeschool their blind keiki due to frustration with lack of support has grown over the years, and Newsline is a critical resource for them. I urge you to support HB933 H.D.1. It is a tremendous value to our blind keiki throughout Hawaii, and a resource for the blind that many depend upon daily.

Written Statement of
Jeannine Souki
Sr. Manager – Government & Regulatory Affairs

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 16, 2023, 2:00 PM
State Capitol, Conference Room 329, Videoconference

**COMMENTS FOR:
H.B. 933, HD1 – RELATING TO TELECOMMUNICATIONS ACCESS FOR INDIVIDUALS
WITH PRINT DISABILITIES**

To: Chair Nakashima, Vice-Chair Sayama, and Members of the Committee
Re: **Testimony providing comments for HB 933, HD1**

Aloha Honorable Chair, Vice-Chair, and Committee Members:

Thank you for this opportunity to submit testimony for House Bill 933, HD1, to require the Public Utilities Commission (“PUC”) to use the State Universal Service Fund (“State USF”) to provide free telecommunication access to information for individuals with print disabilities.

While Hawaiian Telcom appreciates the intent of this bill, we are concerned about the increased costs to stand up the State USF program to provide services for individuals with print disabilities and that ultimately the telecommunication bills for our customers will be increased. This will make landline telecommunications services less affordable for current customers and especially burden low-income consumers. The number of consumers subscribing to landline phone service continues to decline each year, and adding another fee or charge to existing bills will likely accelerate the switch of consumers to alternate services.

The primary purpose of a State USF program should continue to be the provision of affordable and reasonable rates for basic residential telecommunications services. Hawaiian Telcom is not aware of any other jurisdiction that uses its State USF program to provide free telecommunication access to information for individuals with print disabilities.

We respectfully request if the Committee decides to support this legislation that an alternate source of funds be allocated for the purposes of this legislation rather than through the State USF program.

HB-933-HD-1

Submitted on: 2/13/2023 1:19:55 PM

Testimony for CPC on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james gashel	national federation of the blind of hawaii	Support	In Person

Comments:

Testimony of James Gashel

Submitted for National Federation of the Blind of Hawaii
Committee on Consumer Protection and Commerce (CPC)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 16, 2023, 2:00 PM, hearing on HB933 H.D.1

Good afternoon chair, vice chair, and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, proudly supporting HB933 H.D.1 on behalf of people with print disabilities of all ages throughout our state. Thank you for considering this important bill and for scheduling this hearing.

HB933 H.D.1 is all about making information more accessible to anyone with a print disability. Blindness, visual impairment, and learning disabilities, including dyslexia are among the most prevalent forms of print disability. Lack of timely access to information can be a real, day in and day out problem for several thousand residents of our state who can't see or use standard print as their primary form of communication, leaving them at an information deficit. Disabilities, like vision loss, often go with aging and can happen to anyone.

To overcome this information deficit, HB933 H.D.1 proposes to Amend HRS chapter 269, relating to public utilities, by authorizing and directing the Public Utilities Commission to use universal service funds to provide a free telephone service for persons with print disabilities that offers state and local government information (including public notices) and other information (including current daily newspapers, magazines, emergency alerts, job opportunities, and other timely content) using accessible formats.

Accessible formats provide information in an alternative manner or form that gives persons with print disabilities access to information equivalent to access for a person without a disability. These formats include converting printed information into audio, Braille, or both.

Existing law, section HRS 269-41 establishes the Public Utilities Commission's Universal Service Program and states the program's purpose and principles. These include assisting "low income customers and customers with disabilities in obtaining and maintaining access to a basic set of telecommunications services as determined by the commission."

More to the point, existing law also directs the universal service program to promote "affordable access throughout the state to enhanced government information and services, including education, health care, public safety, and other government services."

By definition, persons with print disabilities are unable to obtain and use vital information needed to live in our knowledge based society. By far the vast majority of those who need accessible format information are members of our kupuna population who lack technology, internet access, and training. The need for accessible format information for such persons became especially acute during the time of the Covid-19 pandemic with release of vital orders, notices, and statistical reports not accessible to persons with print disabilities.

Technology needed to obtain and convert information and distribute accessible formats is available and widely used in the U. S. Texas, Georgia, and ten other states on the mainland use Universal Service Program funds to support the type of information services called for in HB933. If enacted, as proposed, the Public Utilities Commission would have a rule making proceeding which would better define the service and costs.

By way of full disclosure, NFB of Hawaii presently fulfills a contract with the Department of Human Services (DHS), resulting in the type of service described in HB933. This has been a very successful program in Hawaii for several years. However, providing information services for persons with print disabilities is also a legitimate responsibility of the Public Utilities Commission's Universal Service Program, analogous to support for telecommunications services for people who are deaf.

We appreciate the start-up support being provided by DHS, but also believe the Public Utilities Commission, more than DHS, should have long-range responsibility to support a continuing service. We also appreciate the Public Utilities Commission's help with authorizing language now in HB933 H.D.1, and the Commission's willingness to work with the legislature and stakeholders to further develop this new section.

Mahalo for considering HB933 H.D.1. Members of the NFB of Hawaii strongly support this bill and hope you will do so too.

Email: cylonone@aol.com

Testimony of Donald Sakamoto
National Federation of the Blind of Hawaii
Committee on Consumer Protection and Commerce (CPC) Hawaii State House of
Representatives Thirty-second Legislature, regular session of 2023 February 16, 2023, 2:00 PM,
hearing on HB933 H.D.1.

Good afternoon chair, vice chair, and members. I am Donald Sakamoto, member National Federation of the Blind (NFB) of Hawaii, strongly supporting HB933 H.D.1 for those individuals who are experiencing with print disabilities of all ages in our state.

This bill HB933 H.D.1 truly addresses making information more accessible to anyone with a print disability especially, for those who are experiencing blindness, visual impairment, and learning disabilities are just some of the most widespread forms of print disability. The lack of timely access to information can be a real, day in and day out problem for some several thousand residents of our state who can't see or use standard print as their primary form of communication, which leaves them at an information shortfall. Individuals with disabilities who experience vision loss, often go with aging and can happen to anyone.

To overcome this information shortfall, HB933 H.D.1 proposes to Amend HRS chapter 269, relating to public utilities, by authorizing and directing the Public Utilities Commission to use universal service funds to provide a free telephone service for persons with print disabilities that offers state and local government information and also includes public notices and other information such as daily newspapers, magazines, emergency alerts, job opportunities, and other timely content using accessible formats.

The NFB of Hawaii presently fulfills a contract with the Department of Human Services (DHS), resulting in the type of service described in HB933. This service has truly been a very successful program in Hawaii for many years now. However, providing information services for persons with print disabilities is also a legitimate responsibility of the Public Utilities Commission's Universal Service Program, analogous to support for telecommunications services for those individuals who are deaf.

Our group and I really appreciate the start-up support being provided by DHS however, we truly believe the Public Utilities Commission, more than DHS, should have long-range responsibility to support a continuing service. We also appreciate the Public Utilities Commission's help with authorizing language now in HB933 H.D.1, and the Commission's willingness to work with the legislature and stakeholders to further develop this new section. Now is the time to prepare to have this bill proceed on to have better access for those individuals who are blind, visually impaired, and others. Famous "by failing to prepare, you are preparing to fail" by Benjamin Franklin.

Mahalo for considering HB933 H.D.1, and I kindly urge you all to support this bill.

HB-933-HD-1

Submitted on: 2/13/2023 5:11:14 PM

Testimony for CPC on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I support the passage of HB 933, HD1 this legislative session. It is very important that individuals with print disabilities have access to critical information for their health and safety needs as well as to make informed decisions.

Thank you for the opportunity to testify in support of HB 933, HD 1.