



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
KA 'OIHANA PILI KĀLEPA
335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
cca.hawaii.gov

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Labor and Technology
Friday, February 10, 2023
3:00 p.m.
Conference Room 224 & Via Videoconference

On the following measure:

S.B. 478, RELATING TO TELECOMMUNICATIONS AND CABLE INDUSTRY INFORMATION REPORTING.

Chair Moriwaki and Members of the Committee:

My name is Jamie Sheu, and I am the Acting Cable Television Administrator for the Department of Commerce and Consumer Affairs' (Department) Cable Television Division. The Department supports this bill.

The purpose of this bill is to repeal Hawaii Revised Statutes (HRS) Chapter 440J, relating to telecommunications and cable industry information reporting requirements for broadband service providers.

Accurately pinpointing unserved and underserved areas where broadband infrastructure is needed continues to be critical to access federal funding to provide service to all residents no matter where they work or live across our State. As mandated by Congress, the Federal Communications Commission (FCC) created the recently launched FCC National Broadband Map that displays where Internet services are available on a location-by-location basis across the United States, as reported by Internet

Service Providers (ISPs) to the FCC through its Broadband Data Collection (BDC). Specifically, the BDC requires ISPs to report where they offer broadband Internet service to homes and small businesses on a location-specific basis, which is in high contrast to the census block level data reported by ISPs on the FCC's previously required Form 477 (sunset date December 31, 2022) and under HRS Chapter 440J. Even more importantly, the National Broadband Map and data are publicly available, allowing everyone access to this location-specific information on where broadband service is and is not available.

The FCC opened its window to collect the first set of ISP data in June of 2022, and requires ISPs going forward to update this data twice a year, with the first update due March 1, 2023. The FCC will continue to update, verify, and refine the map to improve its accuracy, and has set up a process to allow government entities, third parties, and consumers to challenge both the ISPs' submitted data as well as the underlying mapping fabric that identifies the individual locations using various sources (e.g., government address records, census data, and geo-spatial data).

Given the FCC's ability to collect and publicly disclose location-specific fixed broadband data, and accordingly its discontinuance of collection of census block-level data through its Form 477 (including for mobile providers who must also submit data through the BDC for the National Broadband Map), the Department believes that the efforts of the State as well as the ISPs would best be directed towards ensuring that the National Broadband Map accurately reflects the unserved and underserved areas across our State. Accordingly, the Department believes that the collection of broadband coverage data under HRS Chapter 440J, like the FCC's Form 477, has effectively been replaced by the more comprehensive and granular data collection under the BDC for all providers required to file broadband coverage reports under that chapter.

Thank you for the opportunity to testify on this bill.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKAI

JOSH GREEN, M.D.
GOVERNOR

CHRIS J. SADAYASU
DIRECTOR

DANE K. WICKER
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: dbedt.hawaii.gov

Telephone: (808) 586-2355
Fax: (808) 586-2377

Written Statement of
CHRIS J. SADAYASU
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON LABOR AND TECHNOLOGY

Friday, February 10, 2023
3:00 PM
State Capitol, Conference Room 224 & Videoconference

In consideration of
SB 478
RELATING TO TELECOMMUNICATIONS AND CABLE INDUSTRY REPORTING.

Chair Moriwaki, Vice Chair Lee and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) **provides comments on SB 478** that repeals chapter 440J, HRS, relating to telecommunications and cable industry information reporting requirements for broadband service providers.

On January 19, 2021, the Federal Communications Commission (FCC) issued its Third Report and Order establishing Digital Opportunity Data Collection and took key steps to ensure that both the data collection itself, and the measures for verifying the accuracy of the data collected, will yield a robust and reliable data resource for the Commission, Congress, federal and state policymakers, and consumers to evaluate the status of broadband deployment throughout the United States.

It is our opinion that since the FCC requires the broadband Internet access service providers to report this data, they should continue to provide this same data to the State of Hawai'i. This data is critical for state mapping efforts and data analysis on broadband availability across the state. However, further discussions with the different stakeholders are necessary to determine the appropriate agency to collect the data for mapping and analysis, and the necessary funding and resources required.

Thank you for the opportunity to submit this testimony.



February 9, 2023

Senator Sharon Y. Moriwaki, Chair
Senate Committee on Labor and Technology
Hawaii State Capitol, Room 215
Honolulu, HI 96813

Senator Chris Lee, Vice Chair
Senate Committee on Labor and Technology
Hawaii State Capitol, Room 219
Honolulu, HI 96813

RE: Support for SB478 – Reporting requirements for broadband service providers

Chair Moriwaki and Vice Chair Lee,

On behalf of CTIA®, the trade association for the wireless communications industry, I write to support Senate Bill 478 relating to telecommunications and cable industry information reporting requirements for broadband service providers. CTIA shares Hawaii’s commitment to advancing broadband deployment and adoption across the state, and wireless carriers have been on the forefront of efforts to meet those goals.

The wireless industry strongly supports ubiquitous mobile broadband coverage and has been on the cutting-edge of promoting its deployment to meet ever-growing consumer demand. In 2021 alone, wireless carriers invested nearly \$35 billion to grow and improve the nation’s networks.¹ This investment also fuels economic growth, including in Hawaii, where the wireless industry supports nearly 23,000 jobs and generates \$2.1 billion to the state’s annual GDP.

State telecommunications policies that align with the existing federal regulatory regime for wireless creates efficiency and removes barriers to deployment. SB 487 will repeal HRS 440J, which currently requires broadband data to be reported to the state annually. Removing this duplicative requirement will further streamline already existing data collection processes and allow carriers to focus their resources on the ultimate goal of expanding wireless broadband service.

Both Congress and the Federal Communications Commission (FCC) are taking steps to improve the collection and dissemination of data on broadband availability. In March of 2020, with strong bipartisan support, Congress passed the Broadband DATA Act, which built on prior steps to improve data collection and mapping at the FCC. This federal law takes a number of actions to improve broadband data collection, including:

- Setting strong parameters for service availability data collected from mobile broadband providers to ensure accuracy;
- Strengthening enforcement against providers that submit inaccurate broadband data;

¹ <https://www.ctia.org/news/u-s-wireless-investment-hits-record-high>



- Requiring the FCC to collect granular service availability data from wired, fixed wireless, and satellite broadband providers, and allowed the FCC to consider whether to collect verified coverage data from state, local, and tribal governments, as well as from other entities;
- Creating a process for state, local, and tribal governments, consumers, and other groups to challenge FCC maps with their own data; and
- Establishing a crowdsourcing process that will allow the public to participate in data collection.

The FCC's new broadband maps and the underlying data submitted by internet service providers (ISPs) are public and now available for download by anyone. As such, HRS 440J is no longer necessary.

We appreciate the recognition through this legislation that the availability of FCC broadband data can effectively serve the needs of the State. For that reason and the others outlined above, we strongly support SB 478.

Sincerely,

Jeremy Crandall
Assistant Vice President
State Legislative Affairs

Written Statement of
Jeannine Souki
Senior Manager – Government & Regulatory Affairs

SENATE COMMITTEE ON LABOR & TECHNOLOGY

February 10, 2023

3:00 p.m.

SUPPORT FOR:

**S.B. 478 – RELATING TO TELECOMMUNICATIONS AND CABLE INDUSTRY
INFORMATION REPORTING**

To: Chair Moriwaki, Vice-Chair Lee, and Members of the Committee
Re: Testimony providing support for SB 478

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

Thank you for this opportunity to provide testimony in strong support of SB 478, which repeals chapter 440J, Hawai‘i Revised Statutes (HRS), relating to telecommunications and cable industry information reporting requirements for broadband service providers.

Hawaiian Telcom supports this housekeeping measure to eliminate an outdated reporting requirement that is no longer useful to determine broadband service availability for the following reasons:

- Starting in September 2022, the Federal Communications Commission (FCC) required broadband service providers to update their broadband availability and service speeds by address/location into the FCC’s national broadband map twice a year by March 1st and September 1st. The FCC’s map will be used to allocate BEAD funds under the IIJA to each state.
- In December 2022, the FCC also eliminated the previous reporting requirement of broadband service availability data by Census block (FCC Form 477).
- The current 440J, HRS, reporting requires broadband service providers to report the percentage of each Census block without access to broadband service based on the FCC’s broadband service definition.
- While the 440J, HRS, reporting requirement made sense when the legislation was passed in 2012, it is no longer relevant given FCC’s more granular reporting by location, which is publically available. Data filed under 440J, HRS, was filed confidentially and not available to the public.

As a broadband service provider, Hawaiian Telcom supports repealing outdated regulations that caused additional costs so that we can focus on delivering broadband infrastructure and services, which provide more significant benefits to our community and the economic success of the state.

Hawaiian Telcom continues to invest hundreds of millions of dollars annually to expand broadband infrastructure across the state. In addition to significant investments into building out broadband infrastructure, Hawaiian Telcom supports digital equity as participating service provider in the federal Affordable Connectivity Program (ACP), which provides a discount of up to \$30 per month toward internet service for eligible households and up to \$75 per month for households on qualifying Hawaiian Homelands, and Lifeline Program which provides discounted services for qualified residents.

For these reasons, Hawaiian Telcom strongly supports HB 478 and respectfully requests your Committee to pass this measure.



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

SENATE COMMITTEE ON LABOR AND TECHNOLOGY

Hawaii State Capitol
Friday, February 10, 2023

**SUPPORT FOR S.B. 478 – REALTING TO TELECOMMUNICATIONS AND CABLE INDUSTRY
INFORMATION REPORTING**

Chair Moriwaki, Vice Chair Lee, and Members of the Committee.

Thank you for the opportunity to provide testimony in **support** of S.B. 478, a bill that would repeal chapter 440J of the Hawaii Revised Statutes.

As the largest broadband provider in the state, Charter supports efforts to promote digital equity and expand broadband access throughout Hawaii. Greater investment in broadband infrastructure is critical to bridge the digital divide, particularly in rural areas that do not currently have high-speed internet available.

Chapter 440J requires broadband service providers to annually file an aggregated report of broadband availability at the census-block level. This report is very similar to the FCC's Form 477 report, which requires broadband service providers to annually file census-block level broadband deployment data. In 2022, the FCC created a new broadband data collection mapping system, called the Broadband Data Collection System, and discontinued all Form 477 filings.

Instead of filing Form 477 reports, the FCC now requires broadband service providers to share broadband serviceable locations based on addresses and geographic coordinates, rather than census blocks. This broadband location data is then uploaded to the National Broadband Map, which is publicly available online and will be updated twice each year. Reporting on specific addresses instead of census blocks provides the FCC, the state, and the public with much more precise information on broadband availability.

Charter believes that every Hawaii resident should have reliable access to high-speed internet service. We will continue to help bring the benefits of broadband and access to the internet to those who need it most. Hawaii is estimated to receive over \$200 million in federal grants for broadband infrastructure in the immediate future (via the Coronavirus Capital Project Fund and Broadband, Equity, Access, and Deployment Program), in addition to private investments already being made by the industry. With this in mind, Charter requests the Committee support this bill, as it will help align state and federal policies. Reducing outdated reporting requirements will also allow providers to prioritize identifying and deploying infrastructure to existing unserved areas.

Mahalo for the opportunity to testify in support of S.B. 478.