

A Bill for an Act Relating to Reporting Requirements for Telecommunications and Cable Television Providers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The governor's creation of the Hawaii broadband initiative boldly states that advanced broadband capability is an essential piece of infrastructure necessary to drive innovation, the economy, and job creation in the twenty-first century. High-speed broadband infrastructure and affordable broadband services are essential for the advancement of education, health services, public safety, research, innovation, e-government services, economic development, and public safety. The telecommunications industry is an essential element of Hawaii's economy and vital to the health and welfare of the people of Hawaii.

Implementation of the Hawaii broadband initiative requires statistical data for accurate and timely analyses. The data will also assist in assessments and evaluations of available broadband infrastructure and services. Such analyses will also aid in the development of initiatives related to the future expansion and enhancement of broadband infrastructure and services.

In January 2010, the United States Department of Commerce's National Telecommunications and Information Administration awarded the State of Hawaii a broadband data and development grant, number 15-50-M09057, to create and maintain a broadband map illustrating available broadband services throughout the State. In addition to the mapping, other grant activities included an analysis of broadband availability and adoption; identification of services at public schools, libraries, hospitals, colleges, universities, and public buildings (referred to as community anchor institutions); and the development of a five-year plan and a roadmap to increase access and adoption through legislation and local technical assistance.

In particular, the federal grant required broadband data to be aggregated at the census-block level. Due to this requirement, if any subscriber in a census block is able to receive broadband service from a provider, that entire census block is deemed to be served by that provider. The legislature finds that reporting on a census-block basis in this manner may result in an inaccurate assessment or overrepresentation of broadband availability within the State.

Broadband data collected from and submitted by providers can and should be compiled at a more granular level. Reporting broadband data as a percentage of households, addresses, or tax map key parcels in a census-block that cannot be serviced will provide increased detail of broadband penetration and availability and will more accurately depict the locations and status of broadband access in the rural areas of Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
TELECOMMUNICATIONS AND CABLE INDUSTRY INFORMATION
REPORTING**

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Broadband access or broadband service” means an “always-on” service that includes but is not limited to computer processing capabilities, information

provision, and computing interactivity with data transport, enabling end users to access the Internet and use a variety of applications at minimum speeds established by the Federal Communications Commission.

“Broadband infrastructure” means the medium used to provide broadband access or broadband service, including fiber optic cable, copper cable, coaxial cable, and wireless media, such as satellite communications, wi-fi, and worldwide interoperability for microwave access.

“Broadband speed threshold” means the highest speed threshold defined or established in the most recent broadband progress report issued by the Federal Communications Commission to Congress.

“Department” means the department of commerce and consumer affairs.

“Director” means the director of commerce and consumer affairs.

“Mapping information” means the information required under the United States Department of Commerce’s National Telecommunications and Information Administration broadband data and development grant, number 15-50-M09057.

“Provider” means any cable operator, telecommunications carrier, or telecommunications common carrier that provides broadband service.

§ -2 Informational reports. (a) Beginning on March 1, 2013, and on every March 1 thereafter, every provider, except for commercial mobile radio service providers, shall file with the department, in a form as prescribed by the director, separate reports for each county that include, over the most recent thirty-day period and without any other personal or private information, the following:

- (1) Broadband access availability aggregated at the census-block level and detailed as a percentage of households, addresses, or tax map key parcels that cannot be serviced in a census-block at the broadband speed threshold; and
- (2) The monthly price charged for the broadband service if purchased individually without any discounts.

(b) Beginning on March 1, 2013, and on every March 1 thereafter, commercial mobile radio service providers shall file with the department data and information that is the same as and not inconsistent with information filed with the Federal Communications Commission.

§ -3 Confidential information. (a) Notwithstanding chapter 92F, statements and reports provided to the department pursuant to section -2, and the data contained therein, shall be kept confidential; provided that the department may disclose mapping information and data aggregated to the extent necessary in the director’s discretion to prevent identification of a provider with the specific data furnished by that provider.

(b) Unless otherwise provided by law, the department shall be prohibited from:

- (1) Using the information furnished or obtained for any purpose other than the purposes for which it is supplied; and
- (2) Making any publication whereby the data furnished by any person can be identified.
- (c) The department shall:
 - (1) Ensure the security and confidentiality of the information;
 - (2) Protect against any anticipated threats or hazards to the security or integrity of the information; and

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- (3) Protect against unauthorized access to or use of the information that could result in personal or competitive harm to individuals or providers.”

SECTION 3. This Act shall take effect on July 1, 2012.

(Approved July 6, 2012.)