

STAND. COM. REP. NO.

1050

Honolulu, Hawaii

APR 05 2011

RE: H.B. No. 1342  
H.D. 1  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1342, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage the deployment of broadband technology statewide by exempting broadband infrastructure improvements from certain permitting requirements and exempting telecommunications utilities from the requirement to replace utility poles when installing new or improving existing telecommunications cables.

Your Committee received testimony in support of this measure from The Chamber of Commerce of Hawaii and Hawaiian Telcom. Your Committee received testimony in support of the intent of this measure from the Department of Land and Natural Resources; Office of Environmental Quality Control; Department of Business, Economic Development, and Tourism; Department of Transportation; and Hawaiian Electric Company, Inc. Your Committee received testimony in opposition to this measure from a member of the Maui County Council. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that statewide availability of broadband services is essential to spur investment and innovation in business, education, health care, entertainment, and delivery of public services. Your Committee further finds that in Hawaii,



unfortunately, broadband speeds are among the slowest in the nation and broadband infrastructure is insufficient to provide adequate service statewide. Finally, your Committee finds that the exemptions from certain permitting requirements contained in this measure are a critical first step in promoting investment in broadband infrastructure in Hawaii.

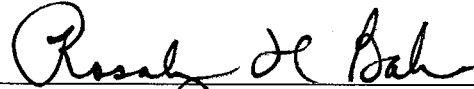
Your Committee has amended this measure by:

- (1) Specifying that the upgrade or replacement of an existing utility pole is not mandatory if that utility pole is used to install or improve telecommunications cables and is subject to safety and engineering requirements in addition to other requirements;
- (2) Specifying that the upgrade or replacement of an existing utility pole is not mandatory if that utility pole is used to install or improve telecommunications cables and the overall weight load on that utility pole does not exceed safe weight capacities established by the Public Utilities Commission;
- (3) Authorizing a public utility to recover prudently incurred costs related to activities necessary to accomplish the purpose of this measure; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1342, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1342, H.D. 1, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

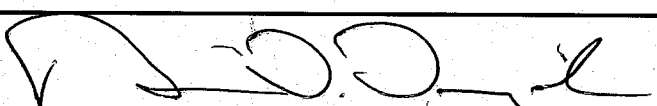


ROSALYN H. BAKER, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1342, HDI, SDI	EDT/PGM, CPN	4/1/2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh				✓
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes