

Honolulu, Hawaii

FEB 17 2011

RE: S.B. No. 1161
S.D. 1

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

Sir:

Your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 1161 entitled:

"A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to expedite the deployment of high-speed broadband technology in Hawaii by exempting:

- (1) Broadband infrastructure improvements from state or county permitting requirements for five years; and
- (2) Telecommunications companies from replacing existing utility poles when installing new or improving existing telecommunications cables, with certain exceptions.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Transportation, High Technology Development Corporation, and Hawaiian Telecom. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting and a member of the Maui County Council. Your Committees received comments on this measure from Hawaiian Electric Company, Inc., and tw telecom.

Your Committees find that pursuant to Act 199, Session Laws of Hawaii 2010, the Department of Commerce and Consumer Affairs



Cable Television Division was required to convene a work group to discuss and develop procedures to streamline the state and county permitting process for broadband services. The work group met four times in 2010, and consulted with private wired and wireless broadband providers to gain an overview of the many obstacles that impede the expeditious deployment of broadband infrastructure and the specific challenges faced by telecommunications providers when they attempt to attach new fiber cables to existing utility poles. This measure addresses those concerns.

Your Committees note that county stakeholders have objected to the short-term waiver provisions of this measure, which were intended to provide an expedited process to support the State of Hawaii's implementation of its federal American Recovery and Reinvestment Act of 2009 grants, as well as to help streamline private providers' broadband permitting needs.

The purpose of the permitting work group was to resolve county permitting and other regulatory issues expeditiously, and members of the work group were appointed to assist the Legislature in addressing areas of disagreement with dispatch. In light of the opposition now being raised by county stakeholders, your Committees urge the Department's Cable Television Division to immediately convene follow-up meetings of the work group so that pending objections can be addressed during the 2011 legislative session.

Your Committees have amended this measure accordingly, by inserting an effective date of July 1, 2050, to allow for further discussion.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1161, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1161, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committees on Economic
Development and Technology and
Public Safety, Government
Operations, and Military
Affairs,

Will Espero

WILL ESPERO, Chair

Carol Fukunaga

CAROL FUKUNAGA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 1161	Committee Referral: EDT/P&M, CPN	Date: 2/19/11		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 1161	Committee Referral: EDT/PGM, CPN	Date: 2-10-11		
<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
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.				/
RYAN, Pohai	/			
SLOM, Sam				/
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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