

Honolulu, Hawaii

March 2, 2018

RE: H.B. No. 2651
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2651, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WIRELESS BROADBAND FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to establish a permitting, application, review, and approval process for broadband or wireless providers to install broadband or wireless facilities on state- or county-owned utility poles or to install associated utility poles in rights of way.

The Department of Business, Economic Development and Tourism, Maui Hotel and Lodging Association, Maui Chamber of Commerce, and Transform Hawaii Government testified in support of this measure. Charter Communications testified in opposition. The Department of Transportation, Department of Commerce and Consumer Affairs, Office of Enterprise Technology Services, City and County of Honolulu, CTIA, and Verizon Wireless provided comments.

Your Committee has amended this measure by:

- (1) Deleting language restricting the State or any county from prohibiting, regulating, or charging for the deployment of small broadband or wireless facilities or



any associated modified or replaced utility poles,
except as otherwise provided in the bill;

- (2) Clarifying that a broadband or wireless service provider shall not furnish video programming services directly to subscribers without first obtaining a cable franchise in accordance with applicable state law;
- (3) Specifying that the State or county may complete repairs of damage to a right of way directly caused by the activities of a broadband or wireless provider and charge the provider for reasonable, documented costs when the broadband or wireless provider fails to make the repairs within thirty days after a written notice;
- (4) Deleting language restraining the State or county from requiring an applicant to provide more information than is required of a communications service provider that is not a broadband or wireless provider when applying for a permit to collocate a small broadband or wireless facility or install a modified or replaced utility pole;
- (5) Authorizing the State or county to deny a permit application if the small broadband or wireless facility exceeds 70 percent of the load carrying capacity of the State- or county-owned pole or structure;
- (6) Deleting language restricting the State or county to charge rates or fees for the placement of a broadband or wireless facility or utility pole in the right of way;
- (7) Requiring a broadband or wireless service provider to provide notice to the surrounding community prior to the collocation of a small broadband or wireless facility or installation of a modified or replaced utility pole; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2651, H.D. 1, as amended herein, and



recommends that it pass Third Reading in the form attached hereto
as H.B. No. 2651, H.D. 2.

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



ROY M. TAKUMI, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>HB 2651, HDI</i>	Committee Referral: <i>IAC, CPC</i>	Date: <i>2/21/18</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. ITO, Ken	/			
5. JOHANSON, Aaron Ling	/			
6. LoPRESTI, Matthew S.		/		
7. MIZUNO, John M.	/			
8. SAY, Calvin K.Y.			/	
9. TOKIOKA, James Kunane		/		
10. YAMANE, Ryan I.	/			
11. McDERMOTT, Bob	/			
TOTAL (11)	<i>8</i>	<i>2</i>	<i>1</i>	<i>0</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				