
SENATE CONCURRENT RESOLUTION

URGING THE PUBLIC UTILITIES COMMISSION TO CONSIDER AND ADOPT AN EFFICIENT, STREAMLINED PROCESS TO REVIEW REQUESTS MADE BY ELECTRIC UTILITIES TO PROVIDE MIDDLE MILE BROADBAND SERVICES IN FURTHERANCE OF THE STATE'S EFFORTS TO EXPEDITE BROADBAND ACCESS AND EQUITY, FACILITATE DIGITAL EQUITY, AND PROMOTE EXPEDITIOUS BROADBAND DEPLOYMENT TO UNSERVED AND UNDERSERVED AREAS.

1 WHEREAS, over the past two years, the coronavirus disease
2 2019 pandemic has transformed the lives of citizens of the State
3 and beyond, and revealed the importance of broadband equity to
4 ensure fair access to telework, telemedicine, and remote
5 learning opportunities for the people of Hawaii; and
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7 WHEREAS, concurrently, electric utilities across the United
8 States are increasingly reliant on telecommunications
9 infrastructure to support modern grid operations and manage
10 increasing volumes of distributed energy resources, which
11 requires that electric utilities modernize their grids to
12 include robust and diverse telecommunications infrastructure to
13 all grid assets at the edge of every community; and
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15 WHEREAS, the State's regulated electric utilities are well-
16 positioned to help bridge the digital divide by leveraging
17 excess capacity on that same utility telecommunications
18 infrastructure to provide middle mile broadband services and
19 enable internet service providers to offer services to
20 communities that are otherwise cost-prohibitive to reach; and
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22 WHEREAS, this represents a common-sense approach to
23 addressing the digital divide, presenting an additional approach
24 for internet service providers to offer broadband in low- to
25 moderate-income, hard-to-reach communities; and
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1 WHEREAS, the expansion of broadband services aligns with
2 the State's current efforts to expedite the deployment of
3 broadband, as well as the national trend of related legislation;
4 and

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6 WHEREAS, the National Association of Regulatory Utility
7 Commissioners issued a resolution on November 9, 2021, that
8 supports electric utilities providing services in unserved and
9 underserved areas to quickly close the broadband availability
10 gap; and

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12 WHEREAS, President Biden signed the Infrastructure
13 Investment and Jobs Act into law on November 15, 2021, which
14 provides \$1.2 trillion in federal investment in roads and
15 bridges, water infrastructure, resilience, and internet,
16 including \$1 billion to expand middle mile infrastructure to
17 reduce the cost of connecting unserved and underserved areas;
18 and

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20 WHEREAS, the electric utilities do not currently see
21 barriers to entering the middle mile telecommunications market
22 but are concerned over the length of time needed for approvals
23 as competitive federal broadband funding become available; and

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25 WHEREAS, the Public Utilities Commission's development of
26 an expedited process would help address the growing need for
27 access to broadband and enable equitable access to telework,
28 telemedicine, remote learning, and participation in the digital
29 economy; and

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31 WHEREAS, existing regulated public utilities are able to
32 provide foundational, diverse middle mile broadband services to
33 internet service providers and other third parties without
34 duplicating efforts or congesting rights-of-way or view planes,
35 allowing electric utilities and internet service providers to
36 partner together; and

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38 WHEREAS, the Public Utilities Commission and the Consumer
39 Advocate are authorized under sections 269-39, 269-51, and
40 269-54, Hawaii Revised Statutes, to provide regulatory oversight
41 of electric utilities to ensure that, among other things, an
42 electric utility does not favor itself or its affiliates, does



1 not cross-subsidize any of its activities with ratepayers'
2 funds, and provides maximum value to the ratepayer, ensuring
3 that no electric service rates include funding for facilities
4 beyond that which is reasonably required for the provision of
5 electric service; and

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7 WHEREAS, in conjunction with the Federal Communications
8 Commission's authority and the Federal Pole Attachment Act, the
9 Public Utilities Commission also exercises authority over
10 electric utilities that own distribution poles, requiring that
11 they provide non-discriminatory access to their poles and comply
12 with the strict federal timelines and federal rules and
13 regulations governing pole attachments; and

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15 WHEREAS, the Legislature supports electric utilities
16 providing middle mile broadband service using the excess
17 capacity of their electrical service infrastructure to internet
18 service providers and other third parties; now, therefore,

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20 BE IT RESOLVED by the Senate of the Thirty-first
21 Legislature of the State of Hawaii, Regular Session of 2022, the
22 House of Representatives concurring, that the Public Utilities
23 Commission is urged to consider and adopt an efficient,
24 streamlined process to review requests made by electric
25 utilities under section 269-19, Hawaii Revised Statutes, to
26 provide middle mile broadband services in furtherance of the
27 State's efforts to expedite broadband access and equity,
28 facilitate digital equity, and promote expeditious broadband
29 deployment to unserved and underserved areas; and

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31 BE IT FURTHER RESOLVED that, to facilitate a streamlined
32 process while still protecting electric customers and
33 telecommunications markets, the Public Utilities Commission is
34 requested to consider whether a standardized application that
35 requires electric utility companies to file more than sufficient
36 information to facilitate a streamlined and efficient review
37 process is warranted, rather than requiring regulators to rely
38 on a discovery process to address concerns; and

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40 BE IT FURTHER RESOLVED that the Public Utilities Commission
41 is requested to ensure that a level playing field and



1 appropriate levels of competition in the telecommunications
2 infrastructure industry is maintained; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Director of
6 Business, Economic Development, and Tourism; Chairperson of the
7 Public Utilities Commission; Executive Director of the Division
8 of Consumer Advocacy; President and Chief Executive Officer of
9 the Hawaiian Electric Company, Inc.; and Chair of the Board of
10 Directors of the Kaua'i Island Utility Cooperative.

