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
UNSERVED AREAS.

WHEREAS, over the past two years, the coronavirus disease
2019 pandemic has transformed the lives of citizens of the State
and beyond, and revealed the importance of broadband equity to
ensure fair access to telework, telemedicine, and remote
learning opportunities for the people of Hawaii; and

WHEREAS, concurrently, electric utilities across the United
States are increasingly reliant on telecommunications
infrastructure to support modern grid operations and manage
increasing volumes of distributed energy resources, which
requires that electric utilities modernize their grids to
include robust and diverse telecommunications infrastructure to
all grid assets at the edge of every community; and

WHEREAS, the State's regulated electric utilities are well-
positioned to help bridge the digital divide by leveraging
excess capacity on that same utility telecommunications
infrastructure to provide middle mile broadband services and
enable internet service providers to offer services to
communities that are otherwise cost-prohibitive to reach; and

WHEREAS, this represents a common-sense approach to
addressing the digital divide, presenting an additional approach
for internet service providers to offer broadband in low- to
moderate-income, hard-to-reach communities; and
WHEREAS, the expansion of broadband services aligns with the State's current efforts to expedite the deployment of broadband, as well as the national trend of related legislation; and

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

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

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

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

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

WHEREAS, the Public Utilities Commission and the Consumer Advocate are authorized under sections 269-39, 269-51, and 269-54, Hawaii Revised Statutes, to provide regulatory oversight of electric utilities to ensure that, among other things, an electric utility does not favor itself or its affiliates, does
not cross-subsidize any of its activities with ratepayers' funds, and provides maximum value to the ratepayer, ensuring that no electric service rates include funding for facilities beyond that which is reasonably required for the provision of electric service; and

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

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

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, the House of Representatives concurring, that the Public Utilities Commission is urged to consider and adopt an efficient, streamlined process to review requests made by electric utilities under section 269-19, Hawaii Revised Statutes, 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; and

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

BE IT FURTHER RESOLVED that the Public Utilities Commission is requested to ensure that a level playing field and
appropriate levels of competition in the telecommunications infrastructure industry is maintained; and

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