

STAND. COM. REP. NO. 1221

Honolulu, Hawaii

March 27, 2009

RE: S.B. No. 1680
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1680, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TECHNOLOGY,"

begs leave to report as follows:

The purpose of this bill is to establish a broadband communications infrastructure in Hawaii. Specifically, this measure:

- (1) Creates the office of the Hawaii Broadband Commissioner to regulate cable and telecommunications providers;
- (2) Transfers the regulatory authority of the Cable Television Division of the Department of Commerce and Consumer Affairs and the Public Utilities Commission, with respect to cable and telecommunications providers, respectively, to the Hawaii Broadband Commissioner;
- (3) Requires the Commissioner to investigate, promote, and ensure the growth and development of broadband infrastructure within the State;
- (4) Provides the Commissioner with general supervisory authority over Public, Education, and Government access organizations;



- (5) Authorizes the Commissioner to apply for and receive federal moneys under the American Recovery and Reinvestment Act of 2009 and other applicable federal laws for the purpose of developing broadband infrastructure and services;
- (6) Requires the Commissioner to establish a work group to develop procedures to streamline and expedite permitting of broadband services and report to the Legislature;
- (7) Requires the Legislative Reference Bureau to review existing State laws relating to broadband technology, telecommunications, and related subjects, and recommend amendments that facilitate implementation of the new broadband laws;
- (8) Transfers four existing positions from the Cable Television Division of the Department of Commerce and Consumer Affairs and ten existing positions from the Public Utilities Commission to the Hawaii Broadband Commissioner;
- (9) Appropriates an unspecified amount from the federal funds subaccount of the Hawaii Broadband Commissioner special fund for broadband infrastructure projects; and
- (10) Has an effective date of July 1, 2112.

Testimony in support of this measure was submitted by the Department of Business, Economic Development, and Tourism, High Technology Development Corporation, and Akaku: Maui Public Television. Testimony in opposition to this measure was submitted by Oceanic Time Warner Cable and TW Telecom. Comments on this measure were submitted by the Public Utilities Commission, Department of Commerce and Consumer Affairs, State Procurement Office, Hawaii Broadband Task Force, Olelo Community Television, Hawaiian Telcom, AT&T, Verizon Communications, Community Media Producers Association, and three concerned individuals.

Your Committee finds that the growth of affordable widespread broadband technology in Hawaii is crucial to the economic development of the State and the welfare of Hawaii's residents. Your Committee further finds that the consolidation of regulatory



authority over communications in the Hawaii Broadband Commissioner will be an effective method of developing a unified approach to expanding modern communication technology in the State. Your Committee further believes that this focus on modernizing the communications infrastructure in Hawaii for widespread broadband capabilities will allow the State to maximize its use of federal moneys that have been dedicated to this purpose.

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 S.B. No. 1680, S.D. 2, H.D. 1, and recommends that it be referred to the Committee on Finance.

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



ROBERT N. HERKES, Chair



