

LATE TESTIMONY



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON ECONOMIC
REVITALIZATION, BUSINESS & MILITARY AFFAIRS

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Tuesday, April 7, 2009
Time: 10:00 a.m.

TESTIMONY ON H.C.R. 131/H.R. 108 – REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY OF TELECOMMUNICATIONS AND BROADBAND INFRASTRUCTURE INVENTORY.

TO THE HONORABLE ANGUS MCKELVEY, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Lawrence Reifurth, and I am the Director of Commerce and Consumer Affairs (“DCCA” or “Department”). The Department appreciates the opportunity to provide testimony on the proposed H.D. 1 of this resolution which calls for DCCA and the Department of Business, Economic Development, and Tourism (“DBEDT”) to conduct a study of existing telecommunications and broadband infrastructure inventory throughout the State.

At the present time, the Legislature is considering proposed legislation that would consolidate regulation of communications services under one entity, a new Hawaii Communications Commission (“HCC”). The study in H.C.R. 131/H.R. 108, proposed H.D. 1 incorporating telecommunications operation and broadband access, is just the type of review and assessment that the HCC is intended and proposed to undertake. If, however, the HCC is not approved and authorized by the Legislature, then the Public Utilities Commission (“PUC”), not the Department, retains regulatory oversight over telecommunications, and neither the PUC, DBEDT nor DCCA or, for that matter any other entity, would have any authority over broadband.

Consequently, the Department requests that proposed H.D. 1 be amended to delete references to DCCA and instead insert the HCC to conduct a telecommunications infrastructure inventory study.¹ In the event the HCC is not

¹ HCR 131 Proposed HD1 calls for a joint report to be submitted to the Legislature not later than 120 days prior to the convening of the 2010 Legislative Session. This would mean that the joint report is due sometime in early

Testimony of Lawrence Reifurth
H.C.R. 131/H.R. 108 Proposed H.D. 1
April 7, 2009
Page 2

established by the Legislature, then the study should not be undertaken as there is no agency with the authority to cause industry members to comply.

Thank you for the opportunity to present testimony on this proposed draft resolution.

September, and thus, the study would have to take place within approximately 4 months, from May to August 2009. This abbreviated time frame is wholly inadequate for any entity to conduct a meaningful study of telecommunications infrastructure.