

---

# A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Act 199, Session Laws of Hawaii 2010,  
2 established a broadband working group to develop procedures for  
3 streamlining permitting functions that are applicable to the  
4 development of broadband services and broadband technology. One  
5 of the discussion items of the working group is to exempt from  
6 many of the permitting requirements the installation of new or  
7 upgraded broadband infrastructure along existing conduits that  
8 are already used for telecommunications. Another discussion  
9 item of the working group is to streamline the processing of  
10 pole and duct applications.

11       The purpose of this Act is to expedite the deployment of  
12 high-speed broadband technology in Hawaii by exempting the  
13 construction of broadband infrastructure from certain permitting  
14 requirements, and reducing the time and costs associated with  
15 requests for access to utility poles.

16       SECTION 2. From January 1, 2012, to January 1, 2017,  
17 actions relating to the installation, improvement, construction,  
18 or development of infrastructure relating to broadband service



1 or broadband technology, including the interconnection of  
2 telecommunications cables, shall be exempt from county  
3 permitting requirements and state permitting and approval  
4 requirements, including but not limited to the requirements of  
5 chapters 343, 171, and 205A, Hawaii Revised Statutes; provided  
6 that the installation, improvement, construction, or development  
7 of infrastructure shall:

8 (1) Take place within existing public rights-of-way or  
9 public utility easements or use existing  
10 telecommunications infrastructure; and

11 (2) Make no significant changes to the existing public  
12 rights-of-way, public utility easements, or  
13 telecommunications infrastructure.

14 SECTION 3. No person or entity shall be required to  
15 upgrade or replace an existing utility pole when using that  
16 utility pole to install new telecommunications cables or to  
17 improve existing telecommunications cables; provided that, in  
18 addition to other safety and engineering requirements:

19 (1) The overall weight load on the utility pole following  
20 the installation or improvement is not greater than  
21 the weight load prior to the installation or  
22 improvement;



1           (2) The overall weight load on the utility pole does not  
2           exceed maximum utility pole safe weight capacities  
3           established by the Federal Communications Commission  
4           and the Hawaii public utilities commission; and

5           (3) The utility pole is not damaged due to the  
6           installation or improvement of telecommunications  
7           cables.

8           Public utilities and broadband providers shall be allowed  
9           to recover prudently incurred costs related to the planning,  
10          engineering, construction, installation, or replacement of  
11          utility poles to accomplish the objectives of this Act.

12          If access to a utility pole is not granted within forty-  
13          five days of a utility's receipt of a written request for  
14          access, the utility shall confirm the denial in writing by the  
15          forty-fifth day. The utility's denial of access shall be  
16          specific, including all relevant evidence and information  
17          supporting the denial, and shall explain how the evidence and  
18          information relate to a denial of access for reasons of  
19          capacity, safety, reliability, or engineering standards.

20          SECTION 4. No later than January 1, 2016, the director of  
21          commerce and consumer affairs, in consultation with the  
22          administrator of the cable television division, shall:



- 1           (1) Review the state of broadband communications in Hawaii  
2                   and the exemptions made pursuant to this Act; and  
3           (2) Make a recommendation whether to extend the exemptions  
4                   provided by this Act.

5 The director of commerce and consumer affairs shall submit a  
6 report of the director's findings and recommendations, along  
7 with any proposed legislation, to the legislature no later than  
8 twenty days prior to the convening of the regular session of  
9 2016.

10           SECTION 5. This Act shall take effect on July 1, 2112.



**Report Title:**

Broadband; Permit Exemptions

**Description:**

Exempts certain broadband infrastructure improvements from state and county permitting requirements. Exempts a person or entity from any requirement to upgrade or replace existing utility poles when using that pole to install new or improve existing telecommunications cables, under certain conditions that includes safety and engineering requirements. Allows public utilities and broadband providers to recover prudently incurred costs related to the planning, engineering, construction, installation, or replacement of utility poles. Establishes requirements for utilities in cases where access to a utility pole is denied. Effective July 1, 2112. (SB1161 HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

