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# 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 work group to develop procedures for  
3 streamlining permitting functions applicable to the development  
4 of broadband services and broadband technology. The legislature  
5 finds that the work group has recommended the creation of an  
6 exemption from various permitting requirements for the  
7 installation of new or upgraded broadband infrastructure along  
8 existing conduits that are already used for telecommunications.

9           The purpose of this Act is to speed the deployment of high-  
10 speed broadband technology in Hawaii by exempting construction  
11 of broadband infrastructure from certain permitting  
12 requirements.

13           SECTION 2. From January 1, 2012, to January 1, 2017,  
14 actions relating to the installation, improvement, construction,  
15 or development of infrastructure relating to broadband service  
16 or broadband technology, including the interconnection of  
17 telecommunications cables, shall be exempt from county  
18 permitting requirements and state permitting and approval



1 requirements, including the requirements of chapters 343, 171,  
2 and 205A, Hawaii Revised Statutes; provided that the  
3 installation, improvement, construction, or development of  
4 infrastructure shall:

5 (1) Take place within existing rights-of-way or utility  
6 easements or utilize existing telecommunications  
7 infrastructure; and

8 (2) Make no significant changes to the existing rights-of-  
9 way, utility easements, or telecommunications  
10 infrastructure.

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

16 (1) The overall weight load on the utility pole following  
17 the installation or improvement is not greater than  
18 the weight load prior to the installation or  
19 improvement;

20 (2) The overall weight load on the utility pole does not  
21 exceed maximum utility pole safe weight capacities



1 established by the Federal Communications Commission  
2 and the public utilities commission; and

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

6 A public utility shall be permitted to recover all prudently  
7 incurred costs related to planning, engineering, construction,  
8 installation, or replacement of utility poles undertaken for the  
9 purpose of accomplishing the objectives of this Act.

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

13 (1) Review the state of broadband communications in Hawaii  
14 and the permitting exemptions granted pursuant to this  
15 Act; and

16 (2) Make a recommendation whether to extend the exemptions  
17 provided by this Act.

18 The director of commerce and consumer affairs shall submit a  
19 report of the director's findings and recommendations, along  
20 with any proposed legislation, to the legislature no later than  
21 twenty days prior to the convening of the regular session of  
22 2016.



1 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Broadband; Permit Exemptions; Utility Poles

**Description:**

Exempts broadband infrastructure improvements from state or county permitting requirements for five years; exempts telecommunications companies from replacing utility poles when installing or improving telecommunications cables and under certain conditions; authorizes recovery of costs by public utilities. Effective 7/1/2050. (SD2)

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