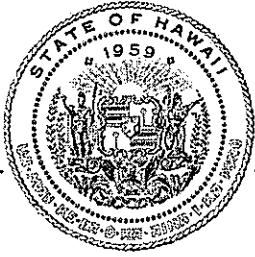


LATE TESTIMONY

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
INTERIM DIRECTOR



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
RICHARD C. LIM
Interim Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**
and
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY
Thursday, February 10, 2011
2:50 p.m.
State Capitol, Conference Room 224

in consideration of
SB 1161
RELATING TO TELECOMMUNICATIONS

Chair Espero, Vice Chair Kidani, and Members of the Committee on Public Safety,
Government Operations, and Military Affairs;

Chair Fukunaga, Vice Chair Wakai, and Members of the Committee on Economic
Development and Technology;

The Department of Business, Economic Development, and Tourism (DBEDT) supports
the intent of this bill. We would fully support the bill if the mechanics of the permitting
exemption can be worked out to the satisfaction of the affected parties.

Based on the recommendations of the broadband working group created by Act 199,
Sessions Laws of Hawaii 2010, DBEDT is working in partnership with other state agencies to
develop a comprehensive strategy to advance broadband capabilities in Hawaii. A key part of
this strategy will undoubtedly be to address the current permitting situation.

Thank you for the opportunity to provide these comments.

LATE TESTIMONY



February 10, 2011

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations, and Military Affairs

Honorable Carol Fukunaga, Chair
Committee on Economic Development and Technology

RE: SB 1161 – Relating to Telecommunications
EDT/PGM Committees – February 10, 2011, Conference Room 224, 2:50 PM

Aloha Chair Espero, Chair Fukunaga, and members of the Committees:

I am Lyndall Nipps, Vice President of Regulatory Affairs for tw telecom (“TWTC”), which has operated in Hawaii since 1994, providing voice, Internet and data networking, and managing nearly 25,000 access lines to state and local governments, military, and businesses in the State. Thank you for the opportunity to present testimony on SB 1161.

Section 3 of the bill addresses issues relating to when a person or entity that wishes to install or replace telecommunications cables on a utility pole is required to replace or upgrade a pole. twtc appreciates the efforts to address this issue, as twtc frequently encounters delays in deploying its facilities while a determination is made as to whether the pole owner will allow us to install or replace cables. However, the biggest issue that twtc faces in installing or replacing cables is the length of time it takes for the owner of a pole, typically the electric utility or Hawaiian Telcom, to inform us whether they will allow us to install or replace cables. The bill provides that a pole owner cannot require a person to upgrade or replace a pole if, among other things, the overall weight load on the utility pole does not exceed maximum utility pole safe weights. However, it does not address the issue of the length of time it typically takes for the pole owner to make this determination. twtc respectfully requests that this committee consider addressing that issue in this bill.

Sincerely,

/s/

Lyndall Nipps
Vice President, Regulatory Affairs

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