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# A BILL FOR AN ACT

RELATING TO REPORTING REQUIREMENTS FOR TELECOMMUNICATIONS AND  
CABLE TELEVISION PROVIDERS.

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

1           SECTION 1. The governor's creation of the Hawaii broadband  
2 initiative boldly states that advanced broadband capability is  
3 an essential piece of infrastructure necessary to drive  
4 innovation, the economy, and job creation in the twenty-first  
5 century. High-speed broadband infrastructure and affordable  
6 broadband services are essential for the advancement of  
7 education, health services, public safety, research, innovation,  
8 e-government services, economic development, and public safety.  
9 The telecommunications industry is an essential element of  
10 Hawaii's economy and vital to the health and welfare of the  
11 people of Hawaii.

12           Implementation of the Hawaii broadband initiative requires  
13 statistical data for accurate and timely analyses. The data  
14 will also assist in assessments and evaluations of available  
15 broadband infrastructure and services. Such analyses will also  
16 aid in the development of initiatives related to the future



1 expansion and enhancement of broadband infrastructure and  
2 services.

3 In January 2010, the United States Department of Commerce's  
4 National Telecommunications and Information Administration  
5 awarded the State of Hawaii a broadband data and development  
6 grant, number 15-50-M09057, to create and maintain a broadband  
7 map illustrating available broadband services throughout the  
8 State. In addition to the mapping, other grant activities  
9 included an analysis of broadband availability and adoption;  
10 identification of services at public schools, libraries,  
11 hospitals, colleges, universities and public buildings (referred  
12 to as community anchor institutions); and the development of a  
13 five-year plan and a roadmap to increase access and adoption  
14 through legislation and local technical assistance.

15 In particular, the federal grant required broadband data to  
16 be aggregated at the census-block level. Due to this  
17 requirement, if any subscriber in a census block receives  
18 broadband service from a provider, that entire census block is  
19 deemed to be served by that provider. The legislature finds  
20 that reporting on a census-block basis may result in an  
21 inaccurate assessment or overrepresentation of broadband  
22 availability within the State.



1 Broadband data collected from and submitted by providers  
 2 can and should be compiled at a more elemental level. Broadband  
 3 data, including availability and pricing, can be aggregated on  
 4 an address or tax map key basis, rather than at the Census-block  
 5 level. Reporting broadband data by address or tax map key will  
 6 provide increased detail of broadband penetration and  
 7 availability and will more accurately depict the locations and  
 8 status of broadband access in Hawaii.

9 SECTION 2. The Hawaii Revised Statutes is amended by  
 10 adding a new chapter to be appropriately designated and to read  
 11 as follows:

12 **"CHAPTER**

13 **TELECOMMUNICATIONS AND CABLE INDUSTRY INFORMATION REPORTING**

14 **§ -1 Definitions.** As used in this chapter, unless the  
 15 context otherwise requires:

16 "Broadband access or broadband service" means an "always-  
 17 on" service that includes but is not limited to computer  
 18 processing capabilities, information provision, and computing  
 19 interactivity with data transport, enabling end users to access  
 20 the Internet and use a variety of applications at minimum speeds  
 21 pursuant to the Federal Communications Commission.



1 "Broadband infrastructure" means the medium used to provide  
2 broadband access or broadband service, including fiber optic  
3 cable, copper cable, coaxial cable, and wireless media, such as  
4 satellite communications, wi-fi, and worldwide interoperability  
5 for microwave access.

6 "Department" means the department of commerce and consumer  
7 affairs.

8 "Director" means the director of commerce and consumer  
9 affairs.

10 "Mapping information" means the information required under  
11 the United States Department of Commerce's National  
12 Telecommunications and Information Administration broadband data  
13 and development grant, number 15-50-M09057.

14 "Provider" means any cable operator, telecommunications  
15 carrier, or telecommunications common carrier that provides  
16 broadband service.

17 **§ -2 Informational reports.** (a) Beginning on July 31,  
18 2012, and on every January 31 and July 31 thereafter, every  
19 provider shall file with the department, in a form as prescribed  
20 by the director, separate reports for each county that include  
21 broadband access availability and pricing over the most recent



1 thirty-day period, detailed by address or tax map key without  
2 any other personal or private information.

3 (b) The department may request that a provider submit  
4 additional information to the department when the department  
5 deems it necessary to perform its responsibilities under this  
6 chapter.

7 **§ -3 Confidential information.** (a) Notwithstanding  
8 chapter 92F, statements and reports provided to the department  
9 pursuant to section -2, and the data contained therein, shall  
10 be deemed confidential and proprietary; provided that the  
11 department may disclose mapping information.

12 (b) Information and data collected by the department may  
13 be shared only with the attorney general, the consumer advocate,  
14 and the director of business, economic development, and tourism,  
15 and their authorized representatives and employees, if the  
16 information and data are necessary for the performance of the  
17 agency's or other department's duties and functions and are  
18 compatible with the purpose for which the information was  
19 collected or obtained.

20 (c) Unless otherwise provided by law, the department and  
21 any other department or agency permitted access under subsection

22 (b) shall be prohibited from:



- 1           (1) Using the information furnished or obtained for any
- 2                   purpose other than the purposes for which it is
- 3                   supplied;
- 4           (2) Making any publication whereby the data furnished by
- 5                   any person can be identified; and
- 6           (3) Allowing any person other than the director, the
- 7                   attorney general, the consumer advocate, the director
- 8                   of business, economic development, and tourism, and
- 9                   their authorized representatives and employees, to
- 10                  examine the individual reports or statements
- 11                  provided."

12           SECTION 3. This Act shall take effect on January 1, 3000.



**Report Title:**

Telecommunications and Cable Television Providers; Reporting Requirements

**Description:**

Requires reporting by telecommunications and cable television providers to the Department of Commerce and Consumer Affairs and provides confidentiality for certain information and reports submitted. Effective January 1, 3000. (HB2526 HD1)

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

