
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 is able to
18 receive broadband service from a provider, that entire census
19 block is deemed to be served by that provider. The legislature
20 finds that reporting on a census-block basis in this manner may
21 result in an inaccurate assessment or overrepresentation of
22 broadband availability within the State.



1 Broadband data collected from and submitted by providers
2 can and should be compiled at a more elemental level. Reporting
3 broadband data as a percentage of households, addresses, or tax
4 map keys in a census-block will provide increased detail of
5 broadband penetration and availability and will more accurately
6 depict the locations and status of broadband access in Hawaii.

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

10 **"CHAPTER**

11 **TELECOMMUNICATIONS AND CABLE INDUSTRY INFORMATION REPORTING**

12 **§ -1 Definitions.** As used in this chapter, unless the
13 context otherwise requires:

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

20 "Broadband infrastructure" means the medium used to provide
21 broadband access or broadband service, including fiber optic
22 cable, copper cable, coaxial cable, and wireless media, such as



1 satellite communications, wi-fi, and worldwide interoperability
2 for microwave access.

3 "Broadband speed threshold" means the same as defined or
4 established by the Federal Communications Commission.

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

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

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

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

16 § -2 **Informational reports.** (a) Beginning on July 31,
17 2012, and on every January 31 and July 31 thereafter, every
18 provider shall file with the department, in a form as prescribed
19 by the director, separate reports for each county that include,
20 over the most recent thirty-day period and without any other
21 personal or private information, the following:



1 (1) Broadband access availability aggregated at the
2 census-block level and detailed as a percentage of
3 households, addresses, or tax map keys that can be
4 serviced in a census-block at the broadband speed
5 threshold; and

6 (2) The monthly price charged for the broadband service if
7 purchased individually without any discounts.

8 (b) The department may request that a provider submit
9 additional information to the department.

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

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



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

3 (b) shall be prohibited from:

4 (1) Using the information furnished or obtained for any
5 purpose other than the purposes for which it is
6 supplied;

7 (2) Making any publication whereby the data furnished by
8 any person can be identified; and

9 (3) Allowing any person other than the director, the
10 attorney general, the consumer advocate, the director
11 of business, economic development, and tourism, and
12 their authorized representatives and employees, to
13 examine the individual reports or statements
14 provided."

15 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 HD2)

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

