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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  
12 (referred to as community anchor institutions); and the  
13 development of a five-year plan and a roadmap to increase access  
14 and adoption 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 granular level. Reporting  
 3 broadband data as a percentage of households, addresses, or tax  
 4 map key parcels in a census-block that cannot be serviced will  
 5 provide increased detail of broadband penetration and  
 6 availability and will more accurately depict the locations and  
 7 status of broadband access in the rural areas of Hawaii.

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

11 **"CHAPTER**

12 **TELECOMMUNICATIONS AND CABLE INDUSTRY INFORMATION REPORTING**

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

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

21 "Broadband infrastructure" means the medium used to provide  
 22 broadband access or broadband service, including fiber optic



1 cable, copper cable, coaxial cable, and wireless media, such as  
2 satellite communications, wi-fi, and worldwide interoperability  
3 for microwave access.

4 "Broadband speed threshold" means the highest speed  
5 threshold defined or established by the Federal Communications  
6 Commission in its broadband progress report applicable for the  
7 time period for which an informational report is filed pursuant  
8 to section -2.

9 "Department" means the department of commerce and consumer  
10 affairs.

11 "Director" means the director of commerce and consumer  
12 affairs.

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

17 "Provider" means any cable operator, telecommunications  
18 carrier, or telecommunications common carrier that provides  
19 broadband service.

20 **§ -2 Informational reports.** (a) Beginning on  
21 January 31, 2013, and on every January 31 thereafter, every  
22 provider, except for commercial mobile radio service providers,



1 shall file with the department, in a form as prescribed by the  
2 director, separate reports for each county that include, over  
3 the most recent thirty-day period and without any other personal  
4 or private information, the following:

5 (1) Broadband access availability aggregated at the  
6 census-block level and detailed as a percentage of  
7 households, addresses, or tax map key parcels that  
8 cannot be serviced in a census-block at the broadband  
9 speed threshold; and

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

12 (b) Beginning on January 31, 2013, and on every January 31  
13 thereafter, commercial mobile radio service providers shall file  
14 with the department data and information that is the same as and  
15 not inconsistent with information filed with the Federal  
16 Communications Commission.

17 **§ -3 Confidential information.** (a) Notwithstanding  
18 chapter 92F, statements and reports provided to the department  
19 pursuant to section -2, and the data contained therein, shall  
20 be kept confidential; provided that the department may disclose  
21 mapping information and data aggregated to the extent necessary



1 in the director's discretion to prevent identification of a  
2 provider with the specific data furnished by that provider.

3 (b) Unless otherwise provided by law, the department shall  
4 be prohibited from:

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

8 (2) Making any publication whereby the data furnished by  
9 any person can be identified.

10 (c) The department shall:

11 (1) Ensure the security and confidentiality of the  
12 information;

13 (2) Protect against any anticipated threats or hazards to  
14 the security or integrity of the information; and

15 (3) Protect against unauthorized access to or use of the  
16 information that could result in personal or  
17 competitive harm to individuals or providers."

18 SECTION 3. This Act shall take effect on July 1, 2012.



**Report Title:**

Telecommunications and Cable Television Providers; Reporting Requirements

**Description:**

Beginning 1/31/2013, requires reporting by telecommunications and cable television providers to the department of commerce and consumer affairs and requires confidentiality for certain information and reports submitted. (SD1)

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

