

JAN 26 2011

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 working group to develop procedures for
3 streamlining permitting functions that are applicable to the
4 development of broadband services and broadband technology. One
5 of the discussion items of the working group is to exempt from
6 many of the permitting requirements the installation of new or
7 upgraded broadband infrastructure along existing conduits that
8 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 but not limited to the requirements of
2 chapters 343, 171, and 205A, Hawaii Revised Statutes; provided
3 that the installation, improvement, construction, or development
4 of 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:

- 15 (1) The overall weight load on the utility pole following
16 the installation or improvement is not greater than
17 the weight load prior to the installation or
18 improvement;
- 19 (2) The overall weight load on the utility pole does not
20 exceed maximum utility pole safe weight capacities
21 established by the Federal Communications Commission;
22 and



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

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

7 (1) Review the state of broadband communications in Hawaii
8 and the exemptions made pursuant this Act; and

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

11 The director of commerce and consumer affairs shall submit a
12 report of the director's findings and recommendations, along
13 with any proposed legislation, to the legislature no later than
14 twenty days prior to the convening of the regular session of
15 2016.

16 SECTION 5. This Act shall take effect upon its approval.

17

INTRODUCED BY: Carol Johnson

Report Title:

Broadband; Permit Exemptions

Description:

Exempts broadband infrastructure improvements from state or county permitting requirements for five years. Exempts telecommunications companies from replacing existing utility poles when installing new or improving existing telecommunications cables.

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