

Honolulu, Hawaii

Feb 15 , 2012

RE: H.B. No. 2526
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2526 entitled:

"A BILL FOR AN ACT RELATING TO REPORTING REQUIREMENTS FOR TELECOMMUNICATIONS AND CABLE TELEVISION PROVIDERS,"

begs leave to report as follows:

The purpose of this bill as received by your Committee is to improve telecommunications services for Hawaii consumers by:

- (1) Requiring cable operators, telecommunications carriers, and telecommunications common carriers to submit to the Department of Commerce and Consumer Affairs (DCCA) statements and periodic reports that contain specified information, including the location of all data centers, peak capacity of telecommunications networks, average overall network availability, peak bandwidth use, peak capacity of each internet connection, average network availability of each internet connection, and corporate financial data; and
- (2) Providing for the confidentiality of the information submitted by telecommunications providers to DCCA.



Your Committee held a public hearing on and deferred action on this bill. Subsequently, your Committee held another public hearing on a Proposed House Draft 1 (Proposed H.D. 1) of this measure. Prior to the public hearing, the Proposed H.D. 1 was circulated for public review and comment.

The purpose of the Proposed H.D. 1 is to expand the availability of broadband internet access for Hawaii consumers by:

- (1) Requiring cable operators, telecommunications carriers, and telecommunications common carriers that provide broadband internet service to submit to DCCA periodic informational reports that contain specified information, such as the availability and pricing of broadband service over the most recent 30-day period, detailed by the address or tax map key number of their customers, without any other personal or private information; and
- (2) Providing for the confidentiality of the information submitted by such telecommunications providers to DCCA.

DCCA; the Department of Business, Economic Development, and Tourism; and Sandwich Isles Communications, Inc., supported the Proposed H.D. 1. Hawaiian Telcom, AT&T, tw telecom of hawaii lp, and Verizon Wireless opposed the Proposed H.D. 1. T-Mobile submitted comments.

Your Committee notes that concerns were raised during the public hearing that particular provisions of the Proposed H.D. 1 might invade a customer's personal privacy.

After careful consideration, your Committee has further amended the Proposed H.D. 1 by:

- (1) Changing the effective date to January 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2526, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2526, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



