

STAND. COM. REP. NO. 990

Honolulu, Hawaii
March 18, 2011

RE: S.B. No. 1161
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred S.B. No. 1161, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,"

begs leave to report as follows:

The purpose of this bill is to expedite the deployment of high-speed broadband technology in Hawaii by exempting:

- (1) Certain broadband infrastructure improvements from state and county permitting requirements; and
- (2) A person or entity from any requirement to upgrade or replace existing utility poles when using that pole to install new or improve existing telecommunications cables, under certain conditions.

The Chamber of Commerce of Hawaii and Hawaiian Telcom supported this bill. The Department of Land and Natural Resources, Department of Commerce and Consumer Affairs, Department of Accounting and General Services, Department of Business, Economic Development, and Tourism, Department of Transportation, Hawaiian Electric Company, Hawaii Electric Light Company, and Maui Electric Company supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu and a Councilmember of the Maui County Council opposed

SB1161 HD1 HSCR ERB HMS 2011-3046



this bill. The Office of Environmental Quality Control, tw telecom, and a concerned individual submitted comments.

Your Committee has amended this measure by deleting its contents and inserting the substance of House Bill No. 1342, H.D. 1, Regular Session of 2011, with additional amendments. As amended, this measure differs from the measure as referred to your Committee by:

- (1) Specifying that the overall weight load on the utility pole must not exceed maximum utility pole safe weight capacities established by the Hawaii Public Utilities Commission, in addition to the Federal Communications Commission, when using that pole to install new or improve existing telecommunications cables;
- (2) In cases where a written request for access to a utility pole is not granted, requiring the utility to confirm the denial in writing by the 45th day after the written request for access, explain the specific rationale for denial of access, and inform the party requesting access of alternative poles or conduits that are available;
- (3) Incorporating an effective date of July 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1161, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1161, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Economic
Revitalization & Business,



ANGUS L.K. MCKELVEY, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 990

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: SB1161, SD1 (SSCR 553)	Committee Referral: ERB, CPC, FIN	Date: 3/15/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2. CHOY, Isaac W. (VC)	/			
3. AWANA, Karen L.	/			
4. BROWER, Tom				✓
5. EVANS, Cindy	/			
6. HASHEM, Mark J.	/			
7. NISHIMOTO, Scott Y.	/			
8. TOKIOKA, James Kunane	/			
9. TSUJI, Clift	/			
10. MARUMOTO, Barbara C.	/			
11. PINE, Kymberly Marcos				✓
TOTAL (11)	9	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
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