

STAND. COM. REP. NO.

1125

Honolulu, Hawaii

March 24, 2011

RE: S.B. No. 1161  
S.D. 1  
H.D. 2

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1161, S.D. 1, H.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 improved existing telecommunications cables, under certain conditions.

The Department of Commerce and Consumer Affairs, the Chamber of Commerce of Hawaii, and tw telecom supported this bill. The Department of Business, Economic Development, and Tourism; the Department of Land and Natural Resources; the Department of Accounting and General Services; the Office of Environmental Quality Control; and Hawaiian Telcom supported the intent of this measure. The City and County of Honolulu Department of Planning and Permitting opposed this bill. The Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company provided comments.

SB1161 HD2 HSCR CPC HMS 2011-3253



Your Committee amended this bill by:

- (1) Limiting its provisions to rights-of-way and utility easements that are public; and
- (2) Deleting the provision that requires the utility to inform the requesting party if alternative poles or conduits are available that have sufficient capacity to accommodate the telecommunications cable. This responsibility should lie with the requesting party which is in the best position to know what alternate route is in its best interests.

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 S.B. No. 1161, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1161, S.D. 1, H.D. 2.

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



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ROBERT N. HERKES, Chair



