

**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

**NEIL ABERCROMBIE**  
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Statement of  
**RICHARD C. LIM**  
**Director**  
Department of Business, Economic Development, and Tourism  
before the  
**COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS**  
Tuesday, February 07, 2012  
8:30 AM  
State Capitol, Conference Room 312  
In consideration of  
**HB 2325 RELATING TO BROADBAND**

Chair McKelvey, Vice Chair Choy, and Members of the Committee on Economic Revitalization and Business: Thank you for this opportunity to submit testimony.

My name is Richard Lim, Director of the Department of Business, Economic Development and Tourism ("DBEDT"). DBEDT supports the intent of HB 2325. In leading the Hawaii Broadband Initiative ("HBI"), DBEDT recognizes the importance of an efficient and reliable permitting process for the wide area deployment and adoption of broadband networks.

DBEDT offers no comment on the practicability of the specific forty-five day limit. We will defer comment on this to the responsible regulatory agency.

Thank you for the opportunity to submit testimony on this bill.



NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LT. GOVERNOR

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KEALI'I S. LOPEZ  
DIRECTOR

TO THE HOUSE COMMITTEE ON  
ECONOMIC REVITALIZATION & BUSINESS

TWENTY-SIXTH LEGISLATURE  
Regular Session of 2012

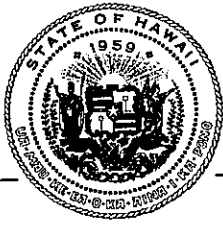
Date: Tuesday, February 7, 2012  
Time: 8:30 a.m.

TESTIMONY ON HB 2325 - RELATING TO BROADBAND

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Donn Yabusaki. I am the Administrator of the Cable Television  
Division of the Department of Commerce and Consumer Affairs (DCCA). The  
Department appreciates the opportunity to express its support for H.B. No. 2325.

The Department supports the general intent of this bill, which is to accelerate the  
deployment of broadband infrastructure throughout the State. However, because of the  
broad implications of the deemed automatic approval forty-five days after submission of  
an application for a state or county broadband related permit, the Department defers to  
the appropriate departments and agencies on the impact of this bill.



**DEPARTMENT OF BUSINESS,  
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Statement of  
**JESSE K. SOUKI**  
Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS**  
Tuesday, February 7, 2012  
8:30 AM  
State Capitol, Conference Room 312

in consideration of

**HB 2325**  
**RELATING TO BROADBAND**

Chair McKelvey, Vice Chair Choy, and Members of the House Committee on  
Economic Revitalization and Business.

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, the Coastal Zone Management (CZM) law. Special management area (SMA) permitting system is part of the federal and state approved Hawaii CZM Program. HB 2325 proposes to add a new section to HRS Chapter 27, part VII, that provides for automatic approval of state permit applications for broadband related permits if action on the permit is not taken within 45 days of a complete permit application and full payment of any applicable fee. State permits for which approval of a federal agency is explicitly required pursuant to federal law, rule or regulation, prior to granting final permit approval by the State are not subject to the 45 day action deadline.

The bill also adds similar provisions above to HRS Chapter 46.

OP supports the intent of this bill to streamline development of broadband facilities on state and county property. However, we believe that the 45 day action deadline is too short for agencies to properly review and act upon broadband permit applications. We recommend that the review and action be made on state permit applications within 120 days of submission of a complete application and full payment of any application fee, consistent with language proposed in HB 2653, Relating to Telecommunications.

Further, at the administration's direction, the OP is working on alternative processes for state projects that are consistent with the CZM Program. Recommendations for alternative processes, in consultation with state agencies, will be completed before the next legislative session.

Thank you for the opportunity to provide testimony on this measure.

# **Testimony before the House Committee On Economic Revitalization & Business**

**By Paul A. Nakagawa  
Superintendent, Planning Division  
Construction and Maintenance Department  
Hawaiian Electric Company, Inc.**

**Tuesday, February 7, 2012  
8:30 am, Conference Room 312**

## **House Bill 2325 - Relating to Broadband**

Chair McKelvey, Vice Chair Choy, and Members of the Committee:

My name is Paul Nakagawa and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company in opposition of HB 2325.

While we support the deployment of high-speed broadband infrastructure in Hawaii, and the efforts of the Legislature and the Broadband Assistance Advisory Council (BACC) to streamline the permitting process applicable to the development and implementation of broadband services and broadband technology, we have strong concerns with this bill as written because this bill would exempt the State and the County from any liability against them on account of actions taken by them in reviewing, approving, modifying, or disapproving the permit application. Such actions may be in direct conflict with the review/approval process in place between HECO and current telecommunication entities. Such actions may also be interpreted as exempting an entity who applies for broadband related permits from complying with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband services, ultimately putting public safety at risk, because of the "automatic" approval on the 46<sup>th</sup> day if no action is taken prior on the submitted application.

We appreciate the support of the Legislature and BACC in hearing and understanding our concerns as we continue to work to resolve these issues.

Thank you for the opportunity to testify on this matter.