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Honorable David Ige, Chair
Honorable Michelle Kidani, Vice Chair
Senate Committee on Ways and Means

**RE: HB 2526 HD2 SD1 – Relating to Reporting Requirements for
Telecommunications and Cable Television Providers – CONCERNS and
AMENDMENT REQUESTED**

March 29, 2012 – 9:00 AM, Hawaii State Capitol, Room 211

Aloha Chair Ige, Vice Chair Kidani and members of the committee,

On behalf of Oceanic Time Warner Cable (Oceanic), which provides a diverse selection of entertainment, information, and communication services to over 425,000 Hawaii households, schools and businesses and currently employs more than 1,000 highly-trained individuals, we appreciate the opportunity to express our concerns on HB 2526 HD2 SD1 – Relating to reporting requirements for telecommunications and cable television providers.

Oceanic is supportive of the Governor's Broadband Initiative and is an active member of the Broadband Assistance and Advisory Council and Broadband Working Group. We continue to support the state's expansion of broadband infrastructure that is in line with consumer and market demands.

We do appreciate recent amendments to this bill to address some of the more onerous requirements contained in earlier drafts. However, we are still concerned with the confidentiality provision of this bill, which may subject Oceanic's proprietary and competitive information to be shared publicly. We're concerned that our customers and Oceanic may be impacted if data is inadvertently released to our competitors or to the public. Since no other states subject telecommunications and cable television providers to similar reporting requirements – this would have a chilling effect on broadband deployment in the state.

For these reasons, we respectfully ask the committee to carefully consider our concerns regarding HB2526 HD2 SD1. We offer the attached amendments for the committee's consideration.

As always, we appreciate the opportunity to offer our testimony on this bill.

Sincerely,

Bob Barlow
President of Oceanic Time Warner Cable

Attachment

§ - 3 Confidential information. (Insert the following):

(c) The department and any other department or agency permitted access under subsection (b) shall implement and train its staff on a comprehensive written information security program that includes administrative, technical, and physical safeguards for the protection of the information and data. The information security program shall be designed to:

- (1) Ensure the security and confidentiality of the information;
- (2) Protect against any anticipated threats or hazards to the security or integrity of the information; and
- (3) Protect against unauthorized access to or use of the information that could result in personal or competitive harm to individuals or providers."

Lyndall W. Nipps
Vice President, Regulatory-Western Region



tw telecom inc.
9665 Granite Ridge Drive
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San Diego, CA 92123
858-805-6050

Honorable David Ige, Chair
Honorable Michelle Kidani, Vice Chair
Senate Committee on Ways and Means

RE: HB 2526, HD2 SD1 - Reporting Requirements for Telecommunications and
Cable Television Providers - CONCERNS
March 29, 2012; Conference Room 211 – 9:00 AM

Aloha Chair Ige, Vice Chair Kidani and Members of the Committee:

I am Lyndall Nipps, Vice President of Regulatory Affairs for **tw telecom of hawaii lp** ("TWTC"), which has operated in Hawaii since 1994, providing voice, Internet and data networking, and managing nearly 25,000 access lines to state and local governments, military, and businesses in the State. Thank you for the opportunity to present testimony on HB 2526, HD2 SD1.

As a company that offers high-speed broadband service within the state, we are affected by provisions in this bill that would mandate TWTC to provide reports for each county which includes broadband access availability, pricing, and other detailed proprietary information.

We have concerns regarding this request since no other state mandates companies to provide the same information at such a granular level. Complying with this request would add significantly to our costs and to consumer costs.

Furthermore, there are proprietary data and confidentiality concerns we have with this level of detail as it could lead our competitors to predatory pricing of services out of the market.

Finally, there is no clear reason why this data is needed since all providers recently participated in the state's Broadband Mapping Project.

We would like to work with the committee and other stakeholders to resolve these issues and, to perhaps, provide reasonable information on a voluntary basis.

For these reasons, we respectfully urge members to defer this bill in committee.

Sincerely,
/s/

Lyndall Nipps
Vice President, Regulatory Affairs-Western Region
tw telecom of hawaii lp



NEIL ABERCROMBIE
GOVERNOR

EXECUTIVE CHAMBERS
HONOLULU

Testimony in SUPPORT of HB2526 HD2 SD1
Relating to Reporting Requirements for Telecommunications and
Cable Television Providers

Committee on Ways and Means
Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair

March 29, 2012
9:00 am Room 211

Chair Ige, Vice-Chair Kidani, and members of the Ways and Means Committee:

The Office of the Governor stands in SUPPORT of House Bill 2526, House Draft 2, Senate Draft 1, Relating to Reporting Requirements for Telecommunications and Cable Television Providers. This measure will assist in providing the infrastructure necessary for Hawaii to thrive in the 21st century.

We realize that the industry has concerns regarding the requirements mandated in this bill and will continue to work with the industry to help address those concerns, while keeping in mind the goal of retrieving more detailed data to help the availability of broadband to all citizens statewide.

The Department of Commerce and Consumer Affairs would be responsible for the implementation of the provisions in this measure and can answer any technical questions you may have.

Thank you for the opportunity to testify.