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February 6, 2012

LATE TESTIMONY

The Honorable Rep. Robert N. Herkes;
Chair, Committee on Consumer Protection & Commerce
Hawaii House of Representatives

*Re: Testimony on House Bill 2526, H.D.1
Hearing before the House Committee on Consumer Protection & Commerce
2-6-12, 2:00pm, Conference room 325*

Representative Herkes and Members of the Committee:

Thank you for this opportunity to express AT&T's position on House Bill 2526, H.D.1 ("H.D.1"). As AT&T stated in testimony concerning the original bill, AT&T supports the availability of broadband services to all Americans and is active on Hawaii's Broadband Task Force. In that earlier testimony, however, we also expressed our concern that the original bill would impose additional burden and cost on telecommunications carriers ("carriers") to produce data that could be difficult to produce and have marginal value. Unfortunately, H.D.1, while shorter and less punitive, retains the problems of the original bill and, in one way, exacerbates them.

It is true that H.D.1 identifies fewer specific pieces of information for carriers to provide. However, it continues to grant the Department of Commerce and Consumer Affairs ("department") the ability to "request that a provider submit additional information to the department when the department deems it necessary to perform its responsibilities under this chapter." Thus, H.D.1 would allow the department to require carriers to provide all of the information specified in the original bill and more. This could produce the same undesirable results as AT&T described in its earlier testimony on the original bill.

H.D.1 adds the requirement that carriers provide information on broadband access availability and pricing, detailed "by address or tax map key." For the most part, address level and tax map key are the same. The National Telecommunications and Information Administration ("NTIA") is the federal executive branch agency that has been dealing with gathering information about broadband deployment and use throughout the United States. At one time, NTIA proposed that carriers report broadband information at the address level. That proposal created hot debate concerning the difficulties and burden associated with that level of reporting. Working cooperatively, NTIA and carriers reached consensus that carriers could provide broadband information by census block. H.D.1 would act to undercut the consensus reached.

Hawaii has access to and has already taken advantage of information produced by the consensus described above. The department was awarded a grant from the federal government to assist the State in gathering and verifying data on the availability, speed, location, and technology type of broadband services. The department teamed with the University of Hawaii's Pacific Disaster Center for this effort. AT&T has worked cooperatively with the University by providing information relevant to AT&T's broadband deployment and operations in Hawaii.

In sum, the department already has access to meaningful information about broadband provisioning in Hawaii by carriers. H.D.1's open-ended requirement for additional information by tax map key or address would be burdensome to produce and divert carrier resources from expanding broadband availability. For these reasons, we oppose H.D.1.

Respectfully Submitted,

Dan Youmans, AT&T

LATE TESTIMONY

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

February 6, 2012

House Bill 2526, Proposed HD 1 Relating to Reporting Requirements for Telecommunications and Cable Television Providers

Chair Herkes and members of the House Committee on Consumer Protection and Commerce, I am Rick Tsujimura, representing T-Mobile USA, Inc.

T-Mobile offers the following comments on House Bill 2526, Proposed HD1. While the Proposed HD1 attempts to reduce the types of information requested to assess broadband service, we believe that the provisions are not workable for wireless carriers and are duplicative and unnecessary in the state's effort to assess wireless carriers' broadband capabilities.

- As House Bill 2526, Proposed HD1 acknowledges, telecommunications carriers are required by the federal government to provide broadband mapping data to the states, which in turn create statewide broadband coverage maps for submission to the National Telecommunications and Information Administration (NTIA) in compliance with President Obama's broadband initiative.
- The Proposed HD1 further focuses on the concern of the Legislature that census block level data is insufficient for the needs of the state in assessing its future broadband deployment plans, and therefore seeks to require carriers to provide more specific data by address or tax key map.
- However, wireless service -- unlike wireline service -- is not provided on an address specific basis. Therefore, it would not be possible for wireless carriers to comply with that provision of the proposal.
- Further, wireless carriers also are unable to provide information on a census block basis, and therefore, per federal guidelines, provide to the states information in the form of GIS-compatible map layers depicting broadband coverage.
- As a result, the State of Hawaii already has access to broadband coverage data for wireless carriers, thus making these provisions of the bill duplicative and unnecessary.
- In addition, the type of information the state seems to generally want is also available on our T-Mobile website. The t-mobile.com website includes information about our "personal coverage check," which displays coverage levels for both voice and data services. Here is the link: <http://www.t-mobile.com/coverage/pcc.aspx>
- Regarding the bill's requirement to provide reports for data pricing, we would suggest that our website is also the best source for that information, and for which there are a variety of plans to support the various needs of our customers. Due to the nature of wireless pricing plans, and the fast pace of the competitive marketplace, it would be onerous to continually provide formal reports on our current pricing plans given their ever-changing nature, and especially when carrier websites can provide current information at any time.
- It should be further noted that the reporting dates required in the bill are on a different schedule that the reporting carriers already provide in support of the federal broadband

initiative. It would be very onerous to create separate reports covering a different timeframe. The current federal reporting schedule provides sufficient information for assessing the status of broadband coverage.

- We are strongly opposed to submitting a list of cell site locations as we believe this is proprietary information, and would be competitively problematic if disclosed.
- As for the confidentiality provisions in the Proposed HD1, we want to ensure that the mapping data is not publicly disclosed, and for the reasons stated above we oppose any attempt to obtain our specific and proprietary siting data.

Thank you for the opportunity to present this testimony.

LATE TESTIMONY

Lyndall W. Nipps
Vice President, Regulatory-Western Region



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February 6, 2012

Honorable Robert Herkes, Chair
House Committee on Consumer Protection & Commerce

RE: Proposed HD1, HB2526 - Relating to Reporting Requirements for Telecommunications and Cable Television Providers
Hawaii State Capitol Conference Room 325 – 2 pm

Aloha Chair Herkes, Vice Chair Yamane 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 the Proposed HD1 for HB2526.

As a company that offers high-speed broadband service within the state, we are affected by provisions in the current and proposed versions of HB2526, which in the case of the Proposed HD1, would mandate TWTC to provide reports for each county that include broadband access availability and pricing over the most recent 30-day period, detailed by address or tax map key without any other personal or private 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.

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

As always, we appreciate you consideration of our request.

Sincerely,

/s/

Lyndall Nipps
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LATE TESTIMONY

Testimony for HB2526 on 2/6/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 06, 2012 2:03 PM

To: CPCtestimony

Cc: lyonjude@gmail.com

Testimony for CPC 2/6/2012 2:00:00 PM HB2526

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Judith Lyon

Organization: Individual

E-mail: lyonjude@gmail.com

Submitted on: 2/6/2012

Comments:

A Bill that was deferred, due to strong opposition, is now suddenly up for a vote again - and without proper public notice. What is the reason for side-stepping the public process on this Bill? Mr. Herkes is obviously more interested in getting this passed, any way he can, than he is in the Bill itself, its ramifications for the people of Hawaii and their freedom of access to public airways. I strongly oppose this Bill. It will destroy Public Access television as we know it - and as it was originally intended. This is a Bill designed to "divide and conquer" what Mr. Herkes apparently considers the "free speech beast."

LATE TESTIMONY



**Testimony of Michael Bagley
Director of Public Policy for Verizon
Before the
Consumer Protection and Commerce Committee
On H.B. 2526
February 6, 2012**

The Honorable Representative Robert Herkes
Chairman
Committee on Consumer Protection & Commerce
Hawaii House of Representatives

***Re: H.B. 2526 -- Reporting Requirements for Telecommunications and Cable
Television Providers***

Chairman Herkes and Members of the Committee:

On behalf of Verizon, I submit testimony in opposition to H.B. 2526 and urge the Committee to defeat this legislation.

Verizon is proud to be a leading technology company that has been at the forefront of innovation for broadband services through the deployment of 4G Long-term Evolution (LTE) and FIOS.

Verizon is pleased to provide these industry leading broadband platforms for our customers, ensuring that they experience all the benefits that the best broadband technologies can offer. However, these investments require a great deal of capital resources, and a cooperative relationship with public sector entities such as states and municipalities.

Verizon wants to be a strong partner with the State of Hawaii with regard to broadband deployment, but we must respectfully oppose H.B. 2526, which we believe would have a harmful impact on our ability to serve the broadband needs of our customers and the State. New burdensome regulations and reporting requirements send exactly the wrong signal to businesses like ours that want to expeditiously and efficiently deploy the resources and infrastructure necessary for broadband.

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Specifically, H.B. 2526 would:

Be overly intrusive into our business, demanding extensive resources to gather data that does not directly serve the needs of Hawaii consumers; and worst, divert limited resources that could instead be used to build out the broadband network itself. Rather than spend limited capital on “bureaucratic overreach,” we believe that such capital would be more effectively used on infrastructure build-out and deployment.

The bill sets requirements for the collection and delivery of highly proprietary and sensitive data that would make competitors vulnerable as they compete aggressively in the marketplace.

The bill calls for extremely detailed data requests that identify no clear purpose for why the information is being asked or for what purpose the data would be used.

We are also troubled by the reality that businesses that would be impacted and are targeted by the legislation were industries who would be targeted by the legislation were not consulted in advance, and therefore have had no opportunity to fully raise issues related to both the unintended and intended consequences of H.B. 2526. There should be a more collaborative process with industry to discuss and review what the Department of Commerce and Consumer Affairs (DCCA) is seeking to achieve, so that providers such as Verizon can responsibly advise on what kind of data we can more readily provide without onerous requirements that burden our business. We believe that a blind request for data that is costly and difficult is the wrong approach.

Unfortunately, this legislation does not send a positive and encouraging signal to businesses about how Hawaii wants to approach cooperative interaction on broadband, and has high potential to directly discourage broadband deployment in the State, which is the opposite goal that the Governor and the Legislature would want to achieve.

We ask for a “NO” vote on H.B. 2526. Thank You.