



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

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
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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

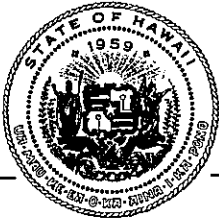
HB 2653 RELATING TO TELECOMMUNICATIONS

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 2653. 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.

Act 151, Session Laws of Hawaii 2011, streamlined permitting requirements applicable to broadband infrastructure along existing poles and conduits. HB 2653 offers similar exemptions for improvements of wireless infrastructure to provide parity with the wired telecommunication service providers. Deployment of high-speed wireless broadband services is essential to achieve the coverage requirements outlined in the Hawaii Broadband Initiative. DBEDT offers no comment on the practicability of implementing the exemptions. We will defer comment on this to the responsible regulatory agency.

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



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

NEIL ABERCROMBIE
GOVERNOR
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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 2653
RELATING TO TELECOMMUNICATIONS

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 2653 is a sunset bill to exempt actions relating to the installation, improvement, construction, upgrading, or development of existing wireless broadband facilities from county permitting requirements, and state permitting and approval requirements, including but not limited to the requirements of HRS chapters 171, 205A, and 343, except to the extent that the permitting or approval is required by federal law or is necessary to protect eligibility for federal funding, services, or other assistance. HB 2653 also proposes that any final decision regarding state or county approval requirements

relating to the siting of new wireless broadband facilities shall be issued within one-hundred twenty days of submission of a complete application and full payment of any applicable fee.

We support the intent of HB 2653 to facilitate the deployment of wireless broadband infrastructure. However, we recommend that the language in Section 2 (a) of the bill be in parity with the language found in Section 2 of Act 151, Session Laws of Hawaii (SLH) 2011, by adding the following:

"...provided that the installation, improvement, construction, or development of infrastructure shall:

- (1) Be directly related to the improvement of existing telecommunication cables or the installation of new telecommunications cables:
 - (A) On existing or replacement utility poles and conduits; and
 - (B) Using existing infrastructure and facilities;
- (2) Take place within existing rights-of-way or public utility easements or use existing telecommunications infrastructure; and
- (3) Make no significant changes to the existing public rights-of-way, public utility easements, or telecommunications infrastructure.

An entity shall use reasonable best efforts to comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to wireless broadband service."

Thank you for the opportunity to offer these comments.



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 2653 - RELATING TO TELECOMMUNICATIONS

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. 2653.

The Department supports the general intent of this bill, which is to accelerate the deployment of broadband infrastructure throughout the State. However, because the bill exempts construction and development related to wireless broadband facilities on county and state property from county permitting and state permitting and approval requirements, the Department defers to the appropriate departments and agencies on the impacts of the proposed exemption on government lands and revenues.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
ECONOMIC REVITALIZATION & BUSINESS**

**Tuesday, February 7, 2012
8:30 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 2653
RELATING TO TELECOMMUNICATIONS**

House Bill 2653 proposes to exempt any actions relating to the installation, improvement, construction, upgrading, or development of new and existing broadband facilities from county permitting and state approval and permitting requirements, including Hawaii Revised Statutes Chapter 171, Hawaii Revised Statutes (HRS), for five years. The Department of Land and Natural Resources (Department) offers the following concerns:

The Department has concerns with the broad exemption from all the requirements of Chapter 171, HRS. The bill is apparently applicable to work on both private and public lands. An exemption from Chapter 171, HRS, for the installation, improvement, construction, upgrading or development of new or existing broadband facilities could allow activities that might adversely impact other concurrent uses of the public lands where the existing easements or rights-of-way are situated or those of adjacent lands. More importantly, this broad exemption from Chapter 171, HRS, could be interpreted to allow the use of state lands without the approval or other disposition from the Department or Board of Land and Natural Resources, and allow the use of State lands for free. Since broadband infrastructure improvements would be proposed for-profit entities, then the State should receive its fair share for the use of state lands.¹

Chapter 171, HRS, is not a permitting statute but a disposition chapter, which sets forth the processes for dispositions for the use of State lands, such as in the form of leases and easements. Compensation for these dispositions is also set forth in Chapter 171, HRS, at the fair market value for use of State lands. Therefore, the Department recommends references to Chapter 171, HRS, should be deleted from this bill.

¹ To the extent these lands involve public trust lands, then the Office of Hawaiian Affairs would be entitled to 20% of the proceeds received by the State.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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PETER B. CARLISLE
MAYOR



GORDON J. BRUCE
DIRECTOR & CIO

TESTIMONY
of
GORDON J. BRUCE, DIRECTOR AND CHIEF INFORMATION OFFICER
Department of Information Technology
City and County of Honolulu
before the
COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
on
Tuesday, February 7, 2012
8:30 a.m.
State Capitol, Conference Room 312

In consideration of
HOUSE BILL 2653 – RELATING TO TELECOMMUNICATIONS

Chair McKelvey, Vice Chair Choy, and Members of the Committee on Economic Revitalization & Business:

My name is Gordon J. Bruce, and as the Director of the Department of Information Technology and the Chief Information Officer for the City and County of Honolulu, I submit testimony in opposition of HB 2653.

I appreciate the intent of HB2653, but there are numerous issues that can arise from exempting companies and organizations from obtaining permits.

When it comes to County property, there is a fiduciary responsibility to the constituent, and as such, county officials must comply with the various county laws related to encumbering County lands. As it relates to private property, county officials have a fiduciary responsibility to protect those who live in and around private property.

Another approach may be to look at a means to open up common rights-of-way, government and non-government government facilities such as buildings, light poles, and in ground conduit systems to competitive use.

Thank you for this opportunity to provide testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gordon J. Bruce", is written over a circular stamp or seal.

Gordon J. Bruce
Director and Chief Information Officer

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 2653 -Relating to Telecommunications

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 an entity taking action under this bill from complying with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband services. By not addressing the issue of compliance to engineering and safety standards, public safety would be at risk when installing new or modifying existing broadband facilities.

We ask that the Legislature consider language written in Act 151, Session Laws of Hawaii 2011, specifically Section 3 as it relates to when an entity will be required to upgrade or replace an existing utility pole when using that utility pole to install new telecommunications cables or to improve existing telecommunications cables (i.e. broadband facilities).

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.

Joyce Masamitsu
Associate Director
State Public Policy, West Area



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February 7th, 2012

Honorable Representative Angus McKelvey
Chairman, House Committee on Economic Revitalization and Business
House of Representatives
Hawai'i State Capitol

Re: HB 2653 – Relating to Broadband: Telecommunications: Permits

Dear Chairman McKelvey and Members of the Committee,

On behalf of Verizon Wireless, I write this testimony in support of HB 2653, legislation that would streamline the permitting process for wireless facilities to expedite the deployment to the people of Hawai'i, the most advanced, wireless broadband services available in the world today.

Currently, the local permitting processes that wireless service providers must follow to upgrade or construct new facilities, reflects a fractionalized and inconsistent mix of ordinances and regulatory requirements across counties. The lack of continuity between the ways counties process applications, hinders the deployment of wireless broadband services to the communities that we serve. Additionally, the absence of a reasonable timeline that is applicable to all state and county government agencies involved in the permitting process, leads to extensive delays. Such delays discourage private investment and further exacerbate the development and expansion of the wireless broadband communications infrastructure throughout Hawai'i.

Consistent with Act 199 (2010) and Act 151 (2011), HB 2653 supports the state's goals to promote the development of broadband infrastructure by exempting existing wireless facilities from county and state permitting requirements and approvals. HB 2653 would extend similar exemptions for wireless broadband deployment that the state currently provides for the deployment of advanced cable communications services provisioned in Act 151, Session Laws of Hawai'i 2011. This exemption, would treat wireless broadband deployment with the same deference and priority as cable services, and is a critical component to streamlining the permitting process and to avoid the excessive delays that wireless carriers experience today.

Additionally, HB 2653 expedites the timeline for the installation of new wireless broadband facilities by putting in place a 120 day shot clock for all state or county approvals relating to the siting of new wireless telecommunications facilities. Furthermore, strict adherence to a 45 day approval timeline for all county building approvals is critical to ensure the expeditious deployment of wireless broadband infrastructure.

Hawai'i has earned the reputation for long delays in the deployment of wireless facilities sometimes taking four or five years for wireless carriers to erect a new structure. This process may take as little as 18 months in other states. The current permitting process needs to be fixed. Existing policies and processes do not adequately serve the wireless users in Hawai'i. They are also inconsistent with the Governor and the State's commitment to foster innovation and economic development, and to adopt policies that will encourage the rapid deployment and adoption of broadband services.

The state of Hawai'i should instead encourage and promote the development of a robust, high-tech environment for communities to thrive. The deployment of wireless broadband services will in turn drive economic growth, more jobs and prosperity. We believe the way to achieve this goal, in the most cost effective and expedient manner, is for the state to proactively breakdown the barriers and roadblocks that hinder private investment.

The dynamic and exponential growth of the wireless industry is testimony to the value American consumers place on their communications services. The wireless industry consistently drives unparalleled innovation of high technology products and accelerates public adoption of advanced broadband services. HB 2653 takes the appropriate steps to address this problem by streamlining the permitting process for the deployment of Advanced Wireless Broadband Services.

Verizon Wireless is proud of our commitment to consistently deliver a superior customer experience. Verizon Wireless invested nearly \$40 million during 2010 in the state of Hawai'i to provide new wireless services, network coverage and additional capacity for our customers across the state. This 2010 expenditure brings Verizon Wireless network investment in the state to more than \$254 million in the last decade, and more than \$65 billion nationally.

Additionally, network reliability and performance are the hallmark of Verizon Wireless' reputation and the hardening of our network including the installation of equipment to facilitate redundancy, provide battery backup power, increase capacity, or extend coverage are not only important to our customers, but critical to meeting the needs of public safety. The provisioning of wireless services in time of crisis is the backbone of Verizon Wireless' Emergency Response and Disaster Relief Program. HB 2653 will assist in ensuring wireless carriers have necessary infrastructure in place to enable us to meet the demands of public safety, law enforcement and first responders in the event of an emergency, when the communities they serve are in greatest need.

In closing, HB 2653, if enacted into law, will promote the expeditious deployment of high-speed, wireless broadband services to the people of Hawai'i, fostering innovation, economic development and encouraging private investment in the state to build a robust and sophisticated, telecommunications infrastructure.

Verizon Wireless respectfully asks Chairman McKelvey and Members of this Committee, to **SUPPORT House Bill 2653.**

Thank you.