

STAND. COM. REP. NO. 851

Honolulu, Hawaii
MARCH 1, 2013

RE: H.B. No. 635
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 635, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BROADBAND,"

begs leave to report as follows:

The purpose of this measure is to expedite the approval
process for broadband-related permits while maintaining utility
pole public safety standards by requiring:

- (1) The State and counties to approve, approves with
modification, or disapprove all broadband-related
permits within 60 business days of submission of a
permit application and fee;
- (2) That the permit application will be deemed as approved
if no action is taken by the permitting authority within
60 business days;
- (3) The Public Utilities Commission to use reasonable best
efforts to comply with safety and engineering standards
for permitted projects; and
- (4) That the permit approval requirements shall not affect
the provisions of Act 151, Session Laws of Hawaii 2011,
which establishes utility pole public safety standards.

HB635 HD2 HSCR CPC HMS 2013-2382



The Department of Transportation, Office of Information Management and Technology, Department of Commerce and Consumer Affairs, Oceanic Time Warner Cable, Hawaiian Electric Company, Hawaiian Telecom, tw telecom, and an individual testified in support of this measure. The Department of Land and Natural Resources testified in opposition to this measure. The Department of Business, Economic Development and Tourism, and Public Utilities Commission provided comments on this measure

Your Committee has amended this measure by:

- (1) Specifying that the language that exempts the State, counties, and public utilities from prosecution for actions related to approval and execution of permits applies only to the actions authorized by this measure;
- (2) Adding language to explicitly state that the Federal Communications Commission and Public Utilities Commission have the authority to regulate utility pole weight capacity;
- (3) Clarifying that the undersea cable included in the definition of "broadband-related permit" is an undersea communications cable;
- (4) Specifying that the State shall have either one hundred twenty or one hundred eighty days to approve, approve with modification, or disapprove a conservation district use application for broadband facilities depending on the technical complexity of the broadband facility;
- (5) Specifying that an applicant shall use reasonable best efforts to comply with all applicable safety and engineering broadband related requirements and that a public utility shall have an unqualified duty to comply;
- (6) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purpose of clarity, consistency, and style.



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 H.B. No. 635, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 635, H.D. 2.

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



ANGUS L.K. MCKELVEY, Chair



