

HB 635, HD2

Testimony

Measure Title: RELATING TO BROADBAND.

Report Title: Broadband Permits; Automatic Approval; Construction

Description: Requires the State and the counties to take action within sixty business days and within one hundred twenty on one hundred eighty business days for a conservation district use application for broadband facilities or the application will be deemed approved. Sets limitations on weight load for utility poles. Effective July 1, 2112, and repealed on June 30, 2018. (HB635 HD2)

Companion: [SB941](#)

Package: None

Current Referral: TEC/PSM, CPN/JDL

Introducer(s): YAMASHITA, HAR, HASHEM, ICHIYAMA, ITO, JORDAN, OSHIRO, TAKAYAMA, YAMANE

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: sean.i.mikell@hawaii.gov
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 11:43:19 AM
Attachments: [HB635HD2_BUF-PUC_03-18-13_TEC-PSM.pdf](#)

HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Hermina Morita	Public Utilities Commission of the State of Hawai	Support	Yes

Comments: Testimony submitted on behalf of PUC Chair Hermina Morita. Thank you.

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TESTIMONY OF HERMINA MORITA
CHAIR, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
SENATE COMMITTEES ON TECHNOLOGY & THE ARTS
AND
PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

MARCH 19, 2013

1:20 p.m.

MEASURE: H.B. No. 635, H.D. 2

TITLE: Relating to Broadband

Chair Wakai, Chair Espero, and Members of the Committees:

DESCRIPTION:

This measure sets out various processes and requirements for applicants seeking to obtain “broadband-related permits” in the State. These processes and requirements cover the timing of the permitting approval process, liability of the State, counties, and public utilities in the permitting context, compliance with safety and engineering requirements, and others such processes and requirements. The term “broadband-related permits” is defined in the bill as including generally all permits required for the setting up, maintenance, and upgrading of broadband technology and all related infrastructure. In addition, this bill makes amendments to Sections 2 and 3 of Act 151, Session Laws of Hawaii 2011 (“Act 151”), to conform to safety and engineering requirement provisions in other sections of this measure and to ensure the Federal Communications Commission and the Public Utilities Commission (“Commission”) have authority over utility pole weight capacity limits.

POSITION:

The Commission supports the current draft of this measure and offers the following comments for the Committees’ consideration.

COMMENTS:

While the Commission supports the intent of this measure to “expedite” the permitting processes for broadband deployment, mandatory safety and engineering requirements should not be compromised. To further strengthen the safety and engineering requirements for broadband technology, the Commission asks the Committees to consider amending this measure so that all applicants – not just regulated public utilities – are required to comply with applicable safety and engineering standards. Compliance with safety and engineering requirements is a commonsense best practice standard that is ingrained in any reputable entity, and, therefore, it should not be an undue burden on such an entity.

The Commission can provide the Committees with suggested language to further strengthen the language of the bill to adequately address this safety-focused concern.

Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
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Cc: jsugihara@dbedt.hawaii.gov
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 1:06:48 PM
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HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Lim	DBEDT	Support	Yes

Comments:

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

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development & Tourism
before the
SENATE COMMITTEE ON TECHNOLOGY & THE ARTS
And
**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS**

Tuesday, March 19, 2013
1:20 p.m.
State Capitol, Conference Room 414

in consideration of

HB635, HD 2
Relating to Broadband.

Chairs Wakai and Espero, Vice Chairs Nishihara and Baker, and Members of the Committees.

The Department of Business, Economic Development and Tourism (DBEDT) supports HB 635, HD 2, which amends Chapters 27 and 46, HRS, to require the State and the counties to approve; approve with modification; or disapprove all broadband related permits within sixty business days of submitting a permit application, provided that if no action is taken by the sixty-first business day, the application will be deemed approved.

DBEDT supports the amendments in HD 2 which address some of the concerns raised by stakeholders. DBEDT believes increased broadband capacity is critical for businesses and the growth of Hawaii's economy. Delays in processing broadband permits result in increased costs for carriers that can translate into higher costs for consumers and slower download speeds.

DBEDT requests for 90 days to process Conservation District Use Applications for permits for major broadband facilities proposed for the Protective Subzone of the Conservation District.

DBEDT defers to other appropriate state agencies for further comments on this measure. Thank you for the opportunity to offer comments on this bill.

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: oint@hawaii.gov
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 4:08:35 PM
Attachments: [TEC CIO Testimony HB 635 HD 2 03.19.13.pdf](#)

HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Sanjeev "Sonny" Bhagowalia	Office of Information Management & Technology	Support	Yes

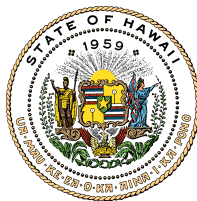
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NEIL ABERCROMBIE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



STATE OF HAWAII
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY

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SANJEEV "SONNY" BHAGOWALIA
CHIEF INFORMATION OFFICER

RANDY BALDEMOR
DEPUTY CHIEF INFORMATION OFFICER – BUSINESS TRANSFORMATION

KEONE KALI
DEPUTY CHIEF INFORMATION OFFICER – OPERATIONS

TESTIMONY OF
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER
TO THE

SENATE COMMITTEE ON TECHNOLOGY AND THE ARTS
AND
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

Tuesday, March 19, 2013
1:20 p.m.
Conference Room 414

H.B. 635, H.D. 2

RELATING TO BROADBAND

Chairs Wakai and Espero, Vice-Chairs Nishihara and Baker, and members of the committees, thank you for the opportunity to testify on H.B. 635, H.D.2.

The Office of Information Management and Technology (OIMT) supports the general intent of H.B. 635, H.D.2 which seeks to expedite the approval process for broadband-related permits.

Broadband has changed the way millions of Americans access the Internet, and the same improvements can be brought to State offices. The Hawaii Broadband Initiative is one of the top 10 flagship initiatives identified in the Business and Information Technology/Information Resource Management Transformation (IT/IRM) Plan that was released in October 2012. Broadband services for distributed State agency networking takes advantage of the latest developments and efficiencies to deliver high-quality information services to citizens. Broadband connectivity provides field offices with bandwidth up to 10 times greater than older technologies, like frame relay lines, and at significant cost savings.

The transition to gigabit broadband also enables field offices to provide better service to citizens. In the not too distant future, field offices will likely be equipped with interactive kiosks, digital signage and rich media training for employees, requiring converged video, data and voice services delivered over flexible broadband technologies.

In order for State agencies to realize these benefits, it is critical to increase our current broadband capacity. As such, OIMT supports H.B. 635, H.D.2 as it will provide for the expansion of high-speed broadband services.

OIMT defers to other appropriate agencies for further comments on the substantive effects of this bill.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: david.w.fink@hawaii.gov
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 10:07:39 AM
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HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
William J. Aila, Jr.	Department of Land and Natural Resources	Support	Yes

Comments:

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ESTHER KIAAINA
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

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

**Before the Senate Committees on
TECHNOLOGY AND THE ARTS
and
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Tuesday, March 19, 2013
1:20 pm
State Capitol, Conference Room 414**

**In consideration of
HOUSE BILL 635, HOUSE DRAFT 2
RELATING TO BROADBAND**

House Bill 635, House Draft 2 proposes to require the approval of state and county permits for broadband related permits within sixty business days, and within one hundred twenty business days or one hundred eighty business days for a conservation district use application for broadband facilities. **The Department of Land and Natural Resources (Department) supports this measure, as it relates to the issuance of Conservation District Use Permits.**

The Department appreciates the amendments that have been proposed in the House Draft 2, which provide more time to process major Conservation District Use Applications (CDUA) that involve environmental/cultural impacts resulting from major broadband facilities. The Department currently processes 95 per cent of broadband permits affecting Conservation District lands within 45 calendar days, because it already has implemented permit streamlining procedures via its existing rules (Title 13-5, Hawaii Administrative Rules).

As the House Draft 1 seeks to provide the Department with adequate time to process major CDUAs, the Department notes that the language "one hundred eighty business days" actually would grant the Department more time than the Department currently has to process a CDUA under Section 183C-6, Hawaii Revised Statutes (HRS), which states that "The department shall render a decision on a completed application for a permit within one-hundred-eighty days after acceptance by the department," not "one hundred eighty business days" as stipulated in this measure. The inclusion of the term "business days" actually lengthens the timeframe because weekends and holidays are not counted presently under Section 183C-6, HRS.

From: mailinglist@capitol.hawaii.gov
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Cc: ken.hiraki@hawaiiantel.com
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 1:41:38 PM
Attachments: [testimony-HB 635 HD2March19Finaldocx.pdf](#)

HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Hiraki	Hawaiian Telcom	Support	Yes

Comments:

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HB 635 HD2

RELATING TO BROADBAND

**KEN HIRAKI
VICE PRESIDENT-GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN TELCOM
March 19, 2013**

Chairs Wakai, Espero and members of the Committees:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom (HT) on HB 635 HD2.

We support the overall goal of HB 635 HD2 to accelerate broadband infrastructure deployment in the state. We believe that measures streamlining the current permit review process will help to encourage the timely deployment of advanced broadband services throughout the islands. Enactment of HB 635 HD2 is a step in the right direction that will assist us to successfully meet the growing public demand for more bandwidth and faster broadband speeds.

Hawaiian Telcom respectfully requests HB 635 HD2 be adopted.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: anakama@wik.com
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Friday, March 15, 2013 4:26:24 PM
Attachments: [HB635_HD2.pdf](#)

HB635

Submitted on: 3/15/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Allison	Oceanic Time Warner Cable	Support	Yes

Comments:

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The Honorable Glenn Wakai, Chair
The Honorable Clarence Nishihara, Vice Chair
Senate Committee on Technology and the Arts

The Honorable Will Espero, Chair
The Honorable Rosalyn Baker, Vice Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs

RE: HB 635 HD2 – Relating to Broadband – In Support
March 19, 2013 – 1:20 PM, Hawaii State Capitol, Room 414

Aloha Chairs Wakai and Espero, Vice Chairs Nishihara and Baker and members of the Committees,

Oceanic Time Warner Cable supports HB 635 HD2 which requires the State and the counties to take action within sixty business days and within one hundred twenty or one hundred eighty business days for a conservation district use application for broadband facilities, or the application will be deemed approved.

As an active member of the Broadband Assistance and Advisory Council, we continue to support the state's expansion of broadband infrastructure that is in line with consumer and market demands.

Oceanic Time Warner Cable currently provides access to broadband service for the vast majority of the state. We are actively working to increase broadband speeds throughout the state.

We ask for your support in passing HB 635 HD2 with an amendment to change the effective date to "upon approval" or "July 1, 2013", as this bill streamlines the deployment of broadband infrastructure.

Sincerely,

Bob Barlow
President

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: anakama@wik.com
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 1:27:40 PM
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HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Allison	tw telecom	Support	Yes

Comments:

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Lyndall W. Nipps
Vice President, Regulatory-Western Region



tw telecom inc.
9665 Granite Ridge Drive
Suite 500
San Diego, CA 92123
858-805-6050

March 19, 2013

Honorable Glenn Wakai, Chair
Senate Committee on Technology and the Arts

Honorable Will Espero, Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs

RE: HB635 HD2 – Relating to Broadband - Support
Conference Room 414, 1:20 p.m.

Aloha Chair Wakai, Chair Espero, and Members of the Committees:

I am Lyndall Nipps, Vice President of Regulatory Affairs for tw telecom ("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 in support of HB635 HD2, Relating to Broadband.

TWTC appreciates the considerable efforts of the House to expedite the deployment of high-speed broadband technology in Hawaii. The state has endeavored to support the development of broadband within the state since 2007, when the legislature created the Hawaii Broadband Task Force with the primary purpose of 1) removing the barriers to broadband access, including gaining wider access to public rights-of-way; 2) identifying opportunities for increased broadband development and adoption, including very high speed broadband services; and 3) enabling the creation and development of new advanced communication technologies in Hawaii. Since then, Governor Neil Abercrombie announced a state broadband initiative in 2011.

This bill provides improvements to the framework set in place by Act 151, Session Laws of Hawaii 2011. Notably, this bill codifies a process for the state to administer broadband permit applications, and provides for reasonable procedures for an applicant to modify a permit application, which we support.

For these reasons we respectfully request that this committee pass HB635 HD2.

Sincerely,
/s/
Lyndall Nipps
Vice President, Regulatory Affairs-Western Region
tw telecom inc.
Office: (858) 805-6050
Email: Lyndall.Nipps@twtelecom.com

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: marcia.wright@heco.com
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Monday, March 18, 2013 10:45:56 AM
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HB635

Submitted on: 3/18/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Nakagawa	Hawaiian Electric Company	Support	Yes

Comments:

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**Testimony before the Senate Committees on
Technology and the Arts
and
Public Safety, Intergovernmental and Military Affairs**

**By Paul A. Nakagawa
Superintendent, T&D Infrastructure
Construction and Maintenance Department
Hawaiian Electric Company, Inc.**

**Tuesday, March 19, 2013
1:20 pm, Conference Room 414**

**House Bill 635 HD2
Relating to Broadband**

Chairs Wakai & Espero, Vice Chairs Nishihara & Baker, 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.

We continue to support the deployment of high-speed broadband infrastructure in Hawaii, and the efforts of the Legislature and the Broadband Assistance Advisory Council (BAAC) to streamline the permitting process applicable to the State's broadband initiative. We also appreciate the work of the previous legislative committees for reviewing and incorporating our proposed amendments. However, we have concerns with HB 635 HD2 as written in the area of compliance to engineering and safety standards. In the interest of public safety, we strongly believe that an "applicant" should be held to the same standards as a "public utility" when it comes to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology. Therefore we suggest the following amendments for your consideration:

1. In reference to pg. 2 of HB 635 HD2, line 12, paragraph (d) should be deleted in its entirety.
2. In reference to pg. 2 of HB 635 HD2, line 17, paragraph (e) should be revised to include and read "**An applicant and** a public utility shall comply with all applicable safety and

engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology.”

3. In reference to pg. 5 of HB 635 HD2, line 19, paragraph (d) should be deleted in its entirety.
4. In reference to pg. 6 of HB 635 HD2, line 3, paragraph (e) should be revised to include and read “**An applicant and** a public utility shall comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology.”
5. In reference to pg. 9 of HB 635 HD2, line 8 should be revised to read “~~{A person or entity}~~ **An applicant** 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 broadband service.”

We appreciate the support of the Legislature and the BAAC in hearing and understanding our concerns as we work together to address these issues.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: TABRAHAM08@GMAIL.COM
Subject: Submitted testimony for HB635 on Mar 19, 2013 13:20PM
Date: Saturday, March 09, 2013 10:59:03 AM

HB635

Submitted on: 3/9/2013

Testimony for TEC/PSM on Mar 19, 2013 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
TROY ABRAHAM	Individual	Support	No

Comments: i support urgent passage of this bill immediately

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