

SB 2963

Measure Title: RELATING TO WIRELESS COMMUNICATION SERVICES.

Report Title: Cable Service; Wireless Communications; Bandwidth; Disclosures

Description: Requires a cable operator to disclose the minimum average bandwidth that shall be provided and maximum bandwidth available.

Companion: HB2447

Package: None

Current Referral: EET/CPH

Introducer(s): KEITH-AGARAN, BAKER, ENGLISH, Shimabukuro, Wakai



DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

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CABLE TELEVISION DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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DIRECTOR

JI SOOK KIM
CABLE TELEVISION ADMINISTRATOR

TO THE SENATE COMMITTEES ON
ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY
AND
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Date: Monday, February 22, 2016
Time: 1:15 p.m.

TESTIMONY ON S.B. NO. 2963 – RELATING TO WIRELESS COMMUNICATION SERVICES.

TO THE HONORABLE GLENN WAKAI AND ROSALYN H. BAKER, CHAIRS, AND MEMBERS OF THE COMMITTEES:

My name is Ji Sook “Lisa” Kim, and I am the Cable Television Administrator at the Department of Commerce and Consumer Affairs (the “Department”). While the Department **supports the intent** of the measure to provide consumers with additional information, the Department does not support the proposed statutory amendment in S.B. No. 2963, which seeks to add a disclosure requirement related to “wireless communication services” through amendment of Section 440G-8.1(a), Hawaii Revised Statutes (“HRS”), and respectfully provides the following **comments** for consideration by the Committees.

This bill would add to the general service standard set under HRS § 440G-8.1(a) for each cable operator in the State a specific requirement that cable operators disclose to customers and prospective customers the minimum average bandwidth to be provided and the maximum bandwidth available **“for wireless communication**

services.” The Department does not support the proposed amendment described above for the reasons set forth below.

If the intent of this bill is to provide customers and prospective customers with bandwidth data related to the provision of **wireless Internet services**, the Department notes regulation of those services falls under the jurisdiction of the Federal Communications Commission (“FCC”). See FCC Open Internet Order (issued March 12, 2015) (reaffirming that broadband Internet access service is jurisdictionally federal for regulatory purposes and expressly preempting any state regulation imposing obligations on broadband service in conflict with, or that would otherwise frustrate, the FCC’s order and other federal rules and policies). As such, the Department does not believe that the proposed requirements should be included in HRS Chapter 440G, because that chapter covers cable service and not wireless Internet services for which DCCA does not have regulatory authority.

Thank you for the opportunity to provide testimony.



February 22nd, 2016

Joyce Masamitsu
Director, Public Policy
Pacific and North Central Markets
HQ Public Policy, Law and Security

The Honorable Glenn Wakai
Chair, Senate Committee on Economic Development, Environment and Technology
Hawaii State Capitol
Room 206
Honolulu, HI 96813

Chair, Senate Committee on Consumer Protection and Commerce
Hawaii State Capitol
Room 230
Honolulu, HI 96813

RE: SB 2963 – Cable Operators – Amendment requested

Dear Chair Wakai, Chair Baker and Committee Members,

Senate Bill 2963 should be amended to clarify the disclosure requirements in this legislation applies solely to cable operators, and does not apply to wireless communication service providers. The bill amends the Hawaii Cable Communications Systems law, which applies only to cable operators and not to wireless carriers. We understand that the use of the term wireless in the amendment was not meant to make the cable law applicable to wireless, so we see this clarification as noncontroversial.

Verizon therefore respectfully requests the replacement of the word "wireless" with the word "cable" as outlined below:

§ 440G-8.1. Requirement for adequate service; terms and conditions of service.

- (a) *Every cable operator shall provide safe, adequate, and reliable service in accordance with applicable laws, rules, franchise requirements, and its filed schedule of terms and conditions of service, including but not limited to disclosing to customers and prospective customers the:*
- (1) *Minimum average bandwidth that shall be provided; and*
 - (2) *Maximum bandwidth available for ~~wireless~~ CABLE communication services.*

This would be consistent with the short title of the law:

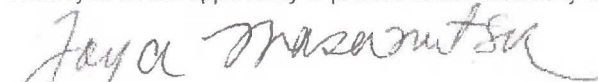
§ 440G-1. Short title. This chapter shall be known as the Hawaii Cable Communications Systems Law.



In addition, the initial statement that the bill relates to "Wireless Communications Services" should be changed to state: "Relating to Cable Communications Systems."

Verizon respectfully requests Chair Wakai, Chair Baker and Committee members amend SB 2963 as explained herein before moving this legislation forward.

Thank you for the opportunity to provide written testimony on this measure.


Joyce Masamitsu
Verizon, Director of Public Policy



February 22nd, 2016

Joyce Masamitsu
Director, Public Policy
Pacific and North Central Markets
HQ Public Policy, Law and Security

The Honorable Glenn Wakai
Chair, Senate Committee on Economic Development, Environment and Technology
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Thank you for the opportunity to provide written testimony on this measure.

A handwritten signature in cursive script that reads "Joyce Masamitsu".

Joyce Masamitsu
Verizon, Director of Public Policy

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The Honorable Glenn Wakai, Chair
Senate Committee on Economic Development, Environment and Technology

The Honorable Rosalyn Baker, Chair
Senate Committee on Commerce, Consumer Protection & Health

RE: SB 2963 – Relating to Wireless Communication Services – In Opposition
Monday, February 22, 2016 – 1:15 PM, Room 414

Aloha Chairs Wakai and Baker, Vice Chairs Slom and Kidani and members of the Committees,

Oceanic Time Warner Cable (“Oceanic”) appreciates the opportunity to express concerns regarding SB 2963, which requires a cable operator to disclose the minimum average bandwidth that shall be provided and maximum bandwidth available.

Speed through the Internet is dependent on many factors, some we can control and others we cannot. Oceanic can control the design of our network from the modem to the Internet backbone. Speed factors that we cannot control and are under the customer’s control are customer provided equipment such a wireless routers and the end device being used (cellphone, tablet, laptop). Speeds vary depending on the time of day, day of the week and events that may impact the load on the networks. The destination to be connected is also a factor of the speed (the connection and load on the destination server) and it is dependent on all networks/connections provided by other Internet carriers. Therefore, it would be nearly impossible to calculate an average minimum bandwidth (speed).

It is possible to determine the maximum bandwidth available because we can control the limiting factor, which is the cable modem. Depending on the Internet tier a customer subscribes to, there is an “up to speed” (maximum). For example, Extreme Internet is 50 mbps. That maximum speed is controlled by a setting in the cable modem.

Oceanic values our customers and strive for optimum customer service. We offer a 30-day trial period. Within 30 days of installation date, service may be cancelled and a full refund is given.

As we are unable to comply with the bill as written, we ask that the committees defer this measure.

Sincerely,

Gregg Fujimoto
President

SB 2963

RELATING TO WIRELESS COMMUNICATION SERVICES

**KEN HIRAKI
VICE PRESIDENT-GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN TELCOM
February 22, 2016**

Chairs Wakai, Baker and members of the Committees:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom (HT) on SB 2963.

Hawaiian Telcom opposes SB 2963 which requires a cable operator to disclose the minimum average bandwidth and maximum bandwidth available for wireless communication services.

Identifying specific bandwidth speeds for home wireless communication services (Wi-Fi) is difficult to measure because there are a number of different factors within a customer's home which can affect service speed. For example, factors affecting service speed include the distance from the wireless router to a computer, room location of the router, interference from other wireless networks, home construction design and material, age of the computer and/or router, congestion from multiple household users, content demands such as video streaming etc.

These examples help to illustrate how intervening factors affecting broadband service can differ on a household-by-household basis and are often beyond our control. As a result of these variances, Hawaiian Telcom does disclose to customers that it cannot guarantee a particular broadband speed, bandwidth or data throughput rate.

In addition, requiring disclosure of minimum wireless bandwidth speeds will literally require providers to measure bandwidth speeds within each household across the state. The various factors affecting wireless broadband service means no two household should be assumed to be alike and as a result must be measured on a household-by-household basis in order to obtain the data required under this measure. We believe the financial resources required to comply with SB 2963 will take away from our current efforts to improve our statewide broadband network and facilities to accommodate Hawaii's growing demand for internet services.

Hawaiian Telcom respectfully requests SB 2963 be held.

Thank you for the opportunity to testify.

wakai1 - Lilinoe

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 20, 2016 6:16 AM
To: EET Testimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for SB2963 on Feb 22, 2016 13:15PM*

SB2963

Submitted on: 2/20/2016

Testimony for EET/CPH on Feb 22, 2016 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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