

STAND. COM. REP. NO.

2495

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2704
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Economic Development, Tourism, and Technology and Commerce, Consumer Protection, and Health, to which was referred S.B. No. 2704 entitled:

"A BILL FOR AN ACT RELATING TO WIRELESS BROADBAND FACILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the policy framework to upgrade and support next generation wireless broadband infrastructure.

Your Committees received testimony in support of this measure from the Office of Enterprise Technology Services; Yuki Lei Sugimura, Councilmember of the Maui County Council; CTIA; Sprint; Verizon; Hawaiian Telcom; Maui Hotel and Lodging Association; Hawaiian Electric Company; T-Mobile US; AT&T; Hawai'i Lodging and Tourism Association; and Transform Hawai'i Government. Your Committees received testimony in opposition to this measure from the Office of the Mayor, County of Hawai'i; and Spectrum. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Office of the Mayor, City and County of Honolulu; and Department of Transportation.

Your Committees find that Hawaii residents continue to demand access to wireless products and services, and currently there are



more wireless devices in Hawaii than there are people. The State must be prepared to meet these demands by updating its wireless network and facilities to support the necessary networks. Your Committees further find that updating the State's wireless network begins with establishing laws that permit the application of attachments to state-owned or county-owned infrastructure, such as utility poles.

Your Committees recognize the concerns of establishing a permitting, application, review, and approval process in order to upgrade the wireless broadband infrastructure in the State. Your Committees have received testimony stating the concerns of public safety, prohibition on regulation of deployment, unfair imposition of fees, interference with county uses of county poles, community concerns, and other concerns regarding the process. Your Committees have worked to address the concerns of certain parties involved and feel that the collaborative work to address certain concerns are reflected in proposed amendments to this measure.

Accordingly, your Committees have amended this measure by:

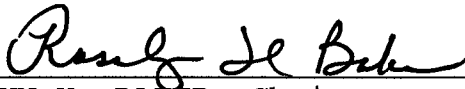
- (1) Applying this measure to communications service providers in addition to wireless providers and making this measure inapplicable to utility poles and infrastructure owned by investor owned utility companies;
- (2) Inserting definitions for "communications service" and "wireline backhaul" and updating various definitions;
- (3) Prohibiting wireless carriers from building out wireline backhaul and clarifying that this measure shall not be construed to modify existing permitting processes for the placement of wireline backhaul in the right of way;
- (4) Allowing an applicant to file a consolidated application for up to twenty-five small wireless facilities within a three square mile radius; provided that the applicant, upon receiving a permit for a consolidated application, publishes notice of the permit within ten days of receiving the permit;



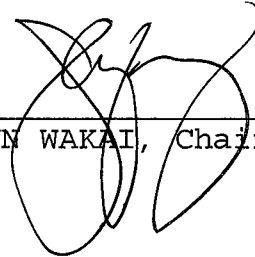
- (5) Clarifying that a communications service provider is exempt from the permitting requirement for replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or weight or smaller, subject to notification requirements;
- (6) Allowing the State and counties to reserve space for up to twelve months on their utility poles, subject to certain conditions;
- (7) Requiring the State or county to conduct an evaluation of the sufficiency of the time periods allowed under this measure for the State and counties to notify applicants in writing that an application is complete and to approve or deny the application after receipt; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Economic Development, Tourism, and Technology and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2704, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2704, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Economic
Development, Tourism, and
Technology and Commerce,
Consumer Protection, and
Health,



ROSALYN H. BAKER, Chair



GLENN WAKAI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Economic Development, Tourism, and Technology
ETT

Bill / Resolution No.:* SB 2704	Committee Referral: ETT/CPH, WAM	Date: 2/17/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BAKER, Rosalyn H.				✓
GALUTERIA, Brickwood	✓			
THIELEN, Laura H.				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

