



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
CABLE TELEVISION DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET
P.O. Box 541
HONOLULU, HAWAII 96809
(808) 586-2620
FAX (808) 586-2625

CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JI SOOK KIM
CABLE TELEVISION ADMINISTRATOR

TO THE HOUSE COMMITTEE ON
WATER & LAND

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Date: Wednesday, February 15, 2017
Time: 10:00 a.m.

TESTIMONY ON H.B. NO. 625, H.D. 1 – RELATING TO INFRASTRUCTURE.

TO THE HONORABLE RYAN I. YAMANE, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Ji Sook “Lisa” Kim, and I am the Cable Television Administrator at the Department of Commerce and Consumer Affairs (the “Department”). The Department appreciates the opportunity to provide comment on H.B. No. 625, H.D. 1, which establishes provisions relating to the siting of small wireless facilities and small wireless facilities networks.

The Department supports permit streamlining that can facilitate statewide access to affordable, high speed broadband services necessary to build a vibrant economy and to improve the quality of life for our residents. The Department thus supports the concept of “batch permitting” for up to 25 small wireless facilities to expedite broadband infrastructure deployment.

Because the Department also recognizes that such streamlining must be balanced against appropriate review, the Department defers to those agencies responsible for permitting and other approvals on how this bill may impact their ability to review attachments to infrastructure for health and safety purposes as well as to minimize visual impacts to our communities. The Department further defers to those agencies that serve as the state and county asset owners and managers for comment on possible impacts on their ability to manage, maintain, and preserve those assets and to perform government operations.

The Department appreciates the changes to the bill reflected in the H.D. 1 to address concerns of the various organizations providing comments. For consideration by this Committee, the Department would like to provide the following additional comment on H.B. No. 625, H.D. 1.

The Department notes that the first sentence of paragraph (3) on page 3, lines 7-11, provides that the State may require building permits or other permits provided that they are of general applicability, but the second sentence at lines 11-12 clearly indicates that the section applies to permits **and approvals**, beginning as follows (emphasis added):

The State shall receive applications for, and process and issue the permits **and approvals** in accordance with applicable laws . . .

The Department notes that adding “and approvals” after “other permits” on line 8 and after “permits” on line 10 would make those two sentences consistent and reflect the agency review processes. The Department suggests this same amendment to the county provisions at page 7, lines 8 and 10.

Again, the Department understands that the reach of this measure extends to many State agencies tasked with asset management, permitting, and other approvals, and thus defers to the affected agencies for further guidance on appropriate, balanced solutions.

Thank you for the opportunity to testify on this bill.



**OFFICE OF PLANNING
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON WATER AND LAND
Wednesday, February 15, 2017
10:00 AM
State Capitol, Conference Room 325

in consideration of
HB 625, HD1
RELATING TO INFRASTRUCTURE.

Chair Yamane, Vice Chair Kong, and Members of the House Committee on Water and Land.

The Office of Planning (OP) strongly supports HB 625, HD1. Broadband technology is now a critical part of infrastructure and it is important to support efficient broadband opportunities and to facilitate the deployment of such high-speed broadband technology for the future global connectivity and economic viability of the State. Broadband technology is essential across multi-sector industries and among many benefits, provides opportunities for: enhanced educational opportunities, expansion of telehealth capacity, strengthening safety and civil defense communications, increasing economic competitiveness, addressing consumer privileges, and providing tourism services.

HB 625, HD1 supports the development of critical infrastructure, establishing a siting process at State and county levels in order to facilitate the deployment of broadband technology by: amending Hawaii Revised Statutes (HRS) Chapter 27 to include a section describing the siting process of small wireless facilities and small wireless facilities networks at the State level; amends HRS Section 27-41.1 to include eight (8) new definitions; and amends HRS Chapter 46 to add the county siting process of small wireless facilities and small wireless facility networks at the County levels.

OP finds that HB 625, HD1 supports and enables potential implementation addressing the State goal under the Hawaii State Planning Act (HRS Chapter 226) to achieve: A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations (HRS § 226-4).

Thank you for the opportunity to testify on this measure.



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

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
LUIS P. SALAVERIA
Director
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
before the
HOUSE COMMITTEE ON WATER & LAND
Wednesday, February 15, 2017
10:00 AM
State Capitol, Conference Room 325
in consideration of
HB 625, HD1
RELATING TO INFRASTRUCTURE.

Chair Yamane, Vice Chair Kong, and Members of the House Committee on Water & Land.

The Department of Business, Economic Development and Tourism (DBEDT) **strongly supports** HB 625, HD1, which establishes a process for siting small wireless infrastructure on state and county owned land.

DBEDT supports HB 625, HD 1, because this bill allows state and county agencies to issue permits for collocations of up to 25 small wireless facilities on state and county utility poles, light standards and structures as a permitted use, as opposed to a conditional use or special use permit.

Clarifying in statute that permits for small wireless facilities do not require a contested case hearing will reduce time and workload for state and county agencies and encourage rapid investment and deployment by carriers.

State and county agencies have investments in wireless infrastructure for public services such as emergency management and first responders that require them to review the carriers' applications for siting of new wireless facilities to ensure they don't interfere with public safety communications. Thus, bills that provide broad exemptions from all state and county permits risk being vetoed to protect the public in the event of a disaster.

DBEDT strongly urges your adoption of HB 625, HD1.

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



STATE OF HAWAII
OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
Ph: (808) 586-6000 | Fax: (808) 586-1922
ETS.HAWAII.GOV

Testimony of
TODD NACAPUY
Chief Information Officer, State of Hawai'i

Before the

HOUSE COMMITTEE ON WATER AND LAND
Wednesday, February 15, 2017; 10:00 a.m.
State Capitol, Conference Room 325

HOUSE BILL NO. 625, H.D. 1
RELATING TO INFRASTRUCTURE

Chair Yamane, Vice Chair Kong, and Members of the Committee:

I am Todd Nacapuy, State Chief Information Officer (CIO) and head of the Office of Enterprise Technology Services, providing **comments** on House Bill No. 625, H.D. 1, Relating to Infrastructure, which establishes the siting process for small wireless facilities on State- and county-owned land.

As a strong proponent of adopting new technologies within State government, we fully support deploying the next generation cellular broadband technologies cited in this bill to accomplish a variety of economic, educational and social benefits.

However, we have major concerns about expanding wireless siting locations in this bill to State and county properties, facilities and buildings due to potential impact on critical public safety communication infrastructure. We recommend the language changes italicized below:

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to part VII to be appropriately designated and to read as follows

"§27- Siting of small wireless facilities and small wireless facilities networks. The State shall permit the collocation of small wireless facilities or small wireless facilities networks on state structures, state utility poles, and state light standards for the deployment of high speed broadband infrastructure *except for state or county poles or similar structures or sites supporting public safety, law enforcement, or emergency services* as follows":

In recent years, the State and county governments with federal partners have invested hundreds of millions of dollars in constructing and maintaining radio antennas on poles and microwave towers

for statewide public safety, emergency services, law enforcement and disaster management. To protect the longevity of those investments and to ensure that non-government systems do not in any way hamper, obstruct or hinder existing and future public safety communication operations and plans, the sharing of government facilities with commercial wireless services has been limited to date.

Presently, to minimize radio signal interference; to maintain secure physical and electronic access to sites; and to effectively manage limited infrastructure resources such as electrical power, floor space and cooling; the statewide microwave tower system and radio antenna arrays do not permit collocating commercial systems or installing them nearby. In rare exceptions at locations with constrained usable space such as remote mountaintops or prime rooftops, the State offers limited shared facilities with supporting utility providers (e.g., Hawaiian Electric and Hawaiian Telcom).

Further, many present landowner leases, partner agreements, and use licenses specifically restrict use and occupancy to State government and State partners, excluding uses such as commercial wireless sites.

In summary, we request that proposed language pertaining to locating wireless facilities on State and county assets be amended.

Thank you for this opportunity to offer comments on this measure.



LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 15, 2017
10:00 a.m.
State Capitol, Room 325

H.B. 625, H.D. 1
RELATING TO INFRASTRUCTURE

House Committee on Water and Land

The Department of Transportation (DOT) – Airports Division supports with comments HB 625, H.D. 1 which establishes the siting process of infrastructure for small wireless facilities and small wireless facilities networks on state and county owned land.

The DOT is concerned the bill requirement to allow small wireless facilities and small wireless facilities networks in all public rights-of-way could adversely impact the WiFi System Concession at major state airports. Under the WiFi System Concession, the Concessionaire provides WiFi service to travelers and others in terminal buildings at all major State Airports. As the users of the airports are from many countries, the Concessionaire is required to provide multilingual service.

The DOT is also concerned that the requirement to allow small wireless facilities and small wireless facilities networks on utility poles in the airports could interfere not only with the WiFi concession service, but other existing wireless communication within the airports. To assure that there is no such interference, the DOT requests that the bill be amended to exempt rights of ways and property within the boundaries of the State Airports from the requirement to allow small wireless facilities and instead allow the DOT to determine whether such facilities can be accommodated on airport property, and if they can to what extent, without interfering with existing wireless communication.

Thank you for the opportunity to provide testimony.

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokalole Hwy., Bldg. C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

February 13, 2017

Representative Ryan Yamane
Water & Land Committee
Hawai'i State Capitol
Honolulu, HI 96813

Dear Chair Yamane and members:

RE: **HB 625, HD1**

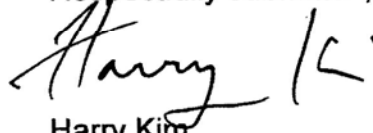
Thank you for this opportunity to testify against HB 625, HD1, in its present form.

HB 624 and 625 both deal with the installation of telecommunication facilities on county-owned property. HB 625, HD1 raises concerns because Section 3 leads off with saying the County "shall permit the collocation of small wireless facilities or small wireless facilities networks" (which by definition can include large companies) on County structures, utility poles, and light standards. The County may require building or other permits of general applicability (defined as permits that do not apply exclusively to small wireless facilities), but cannot adequately protect against the overburdening of its equipment, or causing interference with the County's existing equipment or system. This coerced co-location may also interfere with the County's existing and prospective contractual relations as some County "structures" are on leased or licensed properties that do not allow collocation without a landowner's consent, and landowners may be hesitant to let the County have a structure on their properties if doing so will allow any and all other small wireless facilities or small wireless facilities networks to be placed on their properties without their consent. The collocation raises security concerns, concerns about existing equipment being damaged by allowing private entities to do installation and other work on County sites, and will increase the use and wear-and-tear on existing structures, equipment, and access routes to rural sites. The bill does not a) grant counties immunity for private entities accessing and using county property, b) allow the counties to recoup costs due to a small wireless facility or network's use of counties' utilities, or c) expressly allow counties to require companies that are accessing or using a county's property to assume liability for any damages to existing equipment or structures and to defend and indemnify a county for any such damages.

Further, the bill doesn't define "structure," so it could be read to allow wireless equipment to be placed on any County owned or operated building.

For the above reasons, we cannot support HB 625, HD1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harry Kim", with a stylized flourish at the end.

Harry Kim
Mayor

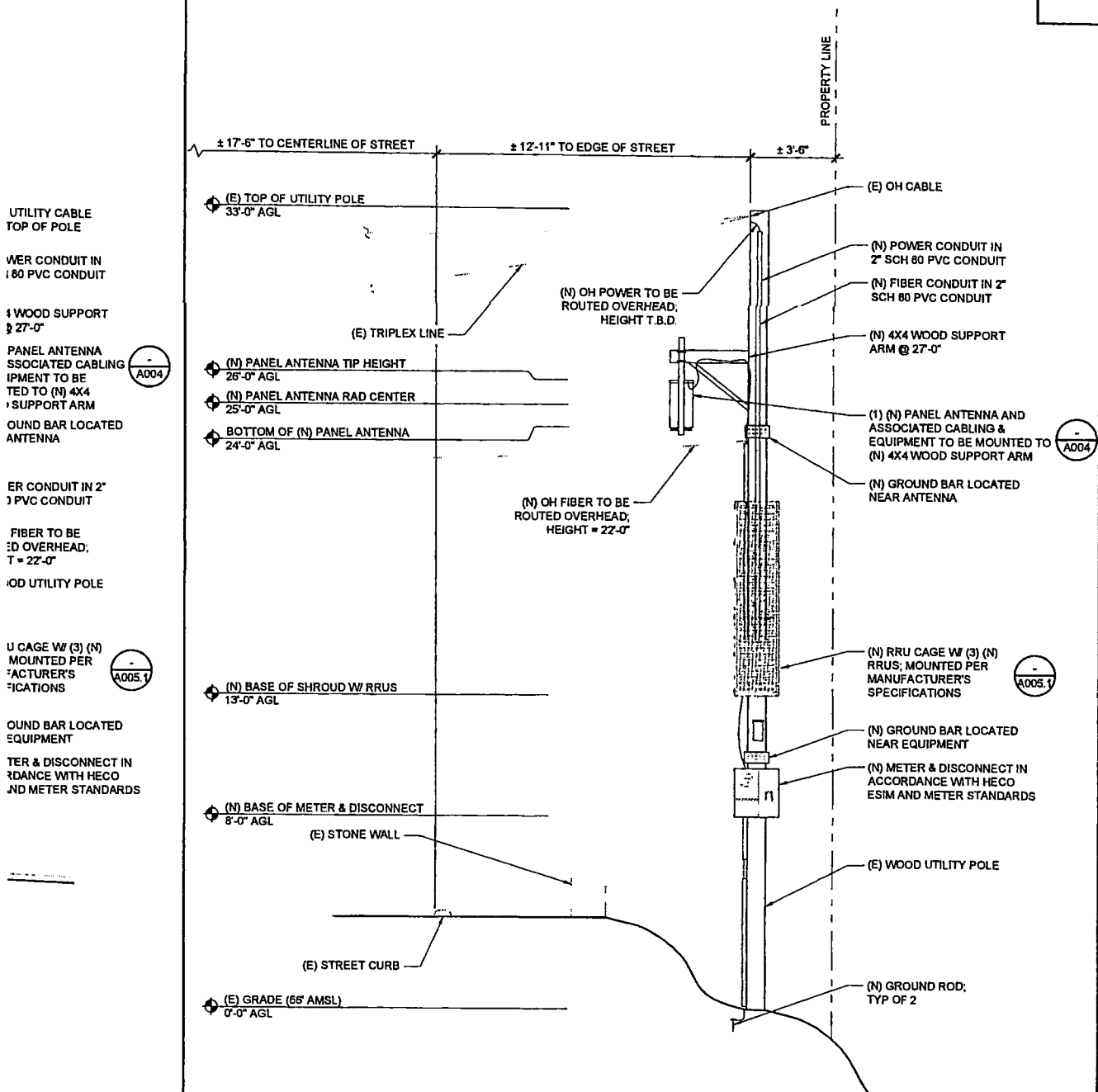
1 REQUIREMENTS WITH
IDERING SUPPORT
TS, ANTENNAS, AND

AND FOUNDATION TO
LOADING CONFIGURATION
IS

NOTES:

1 PW/GC TO VERIFY PAINTING REQUIREMENTS WITH JURISDICTION PRIOR TO ORDERING SUPPORT STRUCTURES, ATTACHMENTS, ANTENNAS, AND OTHER APPURTENANCES.

2 CAPACITY OF UTILITY POLE AND FOUNDATION TO SUPPORT THE PROPOSED LOADING CONFIGURATION TO BE ANALYZED BY OTHERS.



UTILITY CABLE
TOP OF POLE

POWER CONDUIT IN
2" SCH 80 PVC CONDUIT

1 WOOD SUPPORT
ARM @ 27'-0"

PANEL ANTENNA
AND ASSOCIATED CABLING
EQUIPMENT TO BE
MOUNTED TO (N) 4X4
WOOD SUPPORT ARM

GROUND BAR LOCATED
NEAR ANTENNA

POWER CONDUIT IN 2"
SCH 80 PVC CONDUIT

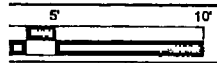
FIBER TO BE
ROUTED OVERHEAD,
HEIGHT = 22'-0"

WOOD UTILITY POLE

RRU CAGE W/ (3) (N)
RRS; MOUNTED PER
MANUFACTURER'S
SPECIFICATIONS

GROUND BAR LOCATED
NEAR EQUIPMENT

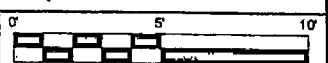
METER & DISCONNECT IN
ACCORDANCE WITH HECO
ESIM AND METER STANDARDS



2 KUI001 WEST VIEW

SCALE: 3/16" = 1'-0" (11X17)

SCALE: 3/8" = 1'-0" (22X34)



Harry Kim
Mayor

Wil Okabe
Managing Director



Frank J. De Marco, P.E.
Director

Allan G. Simeon, P.E.
Deputy Director

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224
(808) 961-8321 · Fax (808) 961-8630
public_works@hawaiicounty.gov

February 13, 2017

Representative Ryan I. Yamane, Chair
And Members of the Committee on Water & Land
State Capitol

RE: TESTIMONY IN OPPOSITION OF HB 625, HD1, RELATING TO INFRASTRUCTURE

Dear Chair Yamane and members:

Thank you for this opportunity to testify in opposition of HB 625, HD1, in its present form.

HB 624 and 625 both deal with the installation of telecommunication facilities on county-owned property. HB 625, HD1 raises concerns because Section 3 leads off with saying the County "shall permit the collocation of small wireless facilities or small wireless facilities networks" (which by definition can include large companies) on County structures, utility poles, and light standards. The County may require building or other permits of general applicability (defined as permits that do not apply exclusively to small wireless facilities), but cannot adequately protect against the overburdening of its equipment, or a wireless facility or network causing interference with the County's existing equipment or system. This coerced co-location may also interfere with the County's existing and prospective contractual relations as some County "structures" are on leased or licensed properties that do not allow collocation without a landowner's consent, and landowners may be hesitant to let the County have a structure on their properties if doing so will allow any and all other small wireless facilities or small wireless facilities networks to be placed on their properties without their consent. The County is also concerned about the effect the bill may have on various utilities' poles that the County needs for its structures and projects as working with the utilities can already be a complex process. The collocation raises security concerns, concerns about existing equipment being damaged by allowing private entities to do installation and other work on County sites, and will increase the use and wear-and-tear on existing structures, equipment, and access routes to rural sites. The bill does not a) grant counties immunity for private entities accessing and using county property, b) allow the counties to recoup costs due to a small wireless facility or network's use of counties' utilities, or c) expressly allow counties to require companies that are accessing or using a county's property to assume liability for any damages to existing equipment or structures and to defend and indemnify a county for any such damages.

Further, the bill doesn't define "structure," so it could be read to allow wireless equipment to be placed on any County owned or operated building.

For the above reasons, we cannot support HB 625, HD1.

Respectfully submitted,



Frank J. De Marco, P.E.
Director

LATE

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: www.honolulu.gov

KIRK CALDWELL
MAYOR



ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

**CITY AND COUNTY OF HONOLULU
BEFORE THE HOUSE COMMITTEE ON WATER AND LAND**

FEBRUARY 15, 2017; 10:00 AM

**TO: THE HONORABLE RYAN I. YAMANE, CHAIR
THE HONORABLE SAM SATORU KONG VICE CHAIR
AND MEMBERS OF THE HOUSE COMMITTEE ON WATER AND LAND**

**FROM: ROY K. AMEMIYA, JR., MANAGING DIRECTOR
CITY AND COUNTY OF HONOLULU**

SUBJECT: COMMENTS ON HB625 HD1 RELATING TO INFRASTRUCTURE

The City and County of Honolulu (City) recognizes the need for the installation of small cell infrastructure to facilitate the deployment of 4G and 5G technology and provides comments on this measure.

The City must emphasize that the installation of small cell infrastructure should not adversely impact or compromise public safety. Thus, it is important to ensure that existing City utility poles (poles) are able to bear the weight of additional broadband equipment, (particularly since such added equipment was not likely included in the original design, sizing, and selection of the poles), and that the installed equipment does not pose a hazard or obstruction to pedestrians, bicyclists, motorists, and/or people maintaining or repairing other pole mounted equipment, components, or lines.

The term "small wireless facility" used in the proposed legislation is misleading. The industry term is "small cell" facility, referring to the coverage of a single radio cell. The equipment is not small. One proposed radio cage is eight feet high, 23.34" inches wide, and 18.36" deep. In addition to the equipment cage, an electric utility meter, conduit, cables, and panel antennae would need to be hung off the pole. The weight of the empty cage alone could be 180 pounds. This measure permits the installation of broadband equipment as large as 28 cubic feet on City poles that can support at least three providers. For comparison, the cubic volume of a standard refrigerator with the dimensions 25"x65"x30" is 28.2 cubic feet.

While the City appreciates that there are cumulative volume limitations, this measure requires the City to allow the co-location of equipment from multiple carriers on City utility poles. This bill does not give the City the authority to regulate and prevent

THE HONORABLE RYAN I. YAMANE, CHAIR
THE HONORABLE SAM SATORU KONG VICE CHAIR
AND MEMBERS OF THE HOUSE COMMITTEE ON WATER AND LAND
February 14, 2017
Page 2

"Franken-poles" from emerging in some of its most picturesque and/or historic communities.

Many telecommunications companies present visually appealing photos of facilities integrated into the utility poles of other jurisdictions. This photos are not necessarily representative of the equipment proposed for Honolulu. We respectfully request that this measure be amended to require that these companies obtain county permits and approvals for their work within the county right-of-way, and make all reasonable attempts to ensure the equipment installed on county poles and facilities is done so in a manner that protects public health and safety, does not adversely affect safe travel through county rights-of-way, is context sensitive, and minimizes visual blight.

Thank you for your consideration of these comments.



Bob Bass
*President of External and
Legislative Affairs, Hawaii*

AT&T Services, Inc.
16331 NE 72nd Way RTC1
Redmond, WA 98052

T: 425-786-8816
F: 425-580-8652
robert.bass@att.com
www.att.com

February 15, 2017

The Honorable Ryan Yamane
Chair, House Committee on Water and Land
Hawaii State Capitol, Room 420
Honolulu, HI 96813

The Honorable Saturo Kong
Vice-Chair, House Committee on Water and Land
Hawaii State Capitol, Room 313
Honolulu, HI 96813

RE: Support HB 625 – Relating to the Installation of Infrastructure

Dear Chair Yamane and Vice Chair Kong:

On behalf of AT&T, please accept this written testimony in support of House Bill 625—
Relating to the Installation of Infrastructure—a bill that will promote the installation of small
cell wireless facilities to improve wireless networks in Hawaii.

Consumers and businesses are using their mobile devices more than ever before in history to
connect to everyone and everything around them. Since 2007, AT&T has experienced a
250,000% increase in data usage on our network. Additionally, as streaming video continues
to become more prominent and new applications and services are introduced, this growth in
data usage will continue to rise. Small cell wireless facilities help bring customers faster
download speeds, improved call quality and a better overall wireless experience.

With this increased demand and pressure on the mobile network, AT&T has developed
innovative ways to enhance our network, prepare for 5G network deployment and provide
the best possible experience for our customers.

House Bill 625 will allow for access to the public rights-of-way at reasonable rates, and
expedite the process for small cell installation that will promote critical investment to benefit
Hawaii consumers.

Please support House Bill 625.

A handwritten signature in black ink, appearing to read "Robert Bass", enclosed in a thin black rectangular border.



February 13, 2017

Honorable Ryan I. Yamane
Chair, House Committee on Water and Land
Hawaii State Capitol
Room 420
Honolulu, HI 96813

Honorable Sam Satoru Kong
Vice Chair, House Committee on Water and Land
Hawaii State Capitol
Room 313
Honolulu, HI 96813

RE: Support House Bill 625 – Small Wireless Facility Deployment

Dear Chair Yamane and Vice Chair Satoru Kong:

On behalf of CTIA, the trade association for the wireless communications industry, I am writing in support of House Bill 625, related to the deployment of small wireless facilities. The people of Hawaii continue to demand – at skyrocketing levels – access to wireless products and services. This is demonstrated by the fact that, according to the Federal Communications Commission (FCC), there are more wireless connections than there are people in Hawaii, representing a wireless penetration rate of over 100%.¹ The number of wireless subscribers in Hawaii has grown nearly 16% since 2010 amounting to over 1.4 million subscribers and 99.5% of Hawaiians have access to mobile broadband service.^{2,3} These demands from the wireless industry's customers – your constituents – require that wireless networks be updated today and readied for the next generation of wireless networks. House Bill 625 is a needed mechanism to solve today's problem and help to realize the future.

Small wireless facilities – also known as small cells – are being widely deployed to accommodate this increased demand. Small cells are wireless antennas, typically no more than six cubic feet in volume, and associated equipment generally less than twenty-eight cubic feet, that are being installed on existing structures like utility poles, street lights and traffic signal poles. This global trend is sweeping the country. More than 250,000 small cells are expected to be installed over the next few years in the United States, about the number of traditional "macro" cell sites built over the last 30 years.

Small cells enhance capacity on existing 4G LTE wireless networks by efficiently using scarce spectrum and will be required for higher-frequency 5G spectrum. The benefits provided by 5G are astounding. 5G networks will provide increased capacity to accommodate growing

¹ U.S. Census, Population Estimates, at <http://www.census.gov/data/tables/2016/demo/popest/state-total.html>, last accessed 1/30/2017.

² FCC, Voice Telephone Services Report: Status as of June 2015, August 2016, at <https://www.fcc.gov/wireline-competition/voice-telephone-services-report>, last accessed 1/30/2017.

³ Broadband Now, Broadband Internet in Hawaii, at: <http://broadbandnow.com/hawaii>, last accessed 11/9/2016.

consumer demands and will connect 100 times more devices. Imagine a future where nearly everything is connected to ubiquitous wireless networks at speeds ten times faster than today. Imagine communities that are smarter and more connected. Entire industries, from public safety to transportation, will be transformed.

In fact, Accenture recently published a study noting that 5G wireless networks could create as many as three million jobs and boost the U.S. GDP by nearly \$500 billion over the next seven years.⁴ More specifically, Hawaii communities – from small towns to big cities – that embrace the next-generation of wireless connectivity will realize significant economic benefits. For instance, 5G deployment in a community like North Kona may create over 300 jobs and increase GDP by \$50 million and a community like Honolulu may see the creation of nearly 3,500 jobs and increase GDP by \$570 million.⁵ That's the promise of the next-generation of wireless technology. America needs to lead in its deployment.

House Bill 625 helps to remove barriers to efficient deployment of small cell wireless infrastructure. House Bill 625 allows providers the opportunity to responsibly deploy small cells by having reasonable access to existing state and county infrastructure within and outside of the public rights-of-way (ROW). Such access will help to meet customer demands for faster data speeds, stronger in-building signals and an overall improved customer experience. House Bill 625 makes small cells on existing infrastructure a "permitted use" and not subject to discretionary review like larger "macro" towers. Finally, House Bill 625 also allows for consolidation of substantially similar small cell applications, to minimize administrative impacts while improving efficiency.

Further, House Bill 625 seeks to impose reasonable rates, terms and conditions for access to infrastructure in and outside of the ROW. Today, county or state pole attachment rights may come with exorbitant prices that curb investment in wireless infrastructure. House Bill 625 remedies this situation and provides "wireless providers with a fair and predictable process for the deployment of small wireless facilities," as stated in Section 1 of the bill.

Finally, it is important to note that House Bill 625 places no limitations on a locality's ability to deny a permit based on building, safety or electrical codes or standards. There is no removal of the locality's jurisdiction in this regard.

In closing, since 2010, wireless providers have invested more than \$177 billion to improve their coverage and capacity to better serve Americans, with \$32 billion invested in 2015 alone.⁶ As stated above, more than 250,000 small cells are expected to be installed over the next few years in the United States. The regulatory and land use environment must allow for capital to be

⁴ "How 5G Can Help Municipalities Become Vibrant Smart Cities," Accenture Strategy, Jan 12, 2017. These estimates are based on expected benefits for the United States from next generation wireless networks and some smart city technologies. They are based on per capita application of the estimated national benefits to individual cities (e.g., the number of construction jobs are national averages assigned on a per-capita basis), and may vary depending on the individual city.

⁵ *Ibid.*

⁶ CTIA's Wireless Industry Summary Report, Year-End 2015 Results, 2015, <http://www.ctia.org/industry-data/ctia-annual-wireless-industry-survey>, last accessed 1/29/2017.

efficiently spent as capital tends to flow to places that are ready for investment. House Bill 625 would send such a signal that Hawaii is ready for investment.

Thank you for the opportunity to submit testimony in support of House Bill 625 and we strongly urge its approval.

Sincerely,

A handwritten signature in black ink that reads "Bethanne Cooley". The signature is written in a cursive, flowing style.

Bethanne Cooley
Director, State Legislative Affairs
CTIA



Brenda M. Palomino, Govt. Affairs Manager
2180 Harvard Street, Suite 100
Sacramento, CA 95815
Telephone: 916-568-4410
Email: brenda.coleman@sprint.com

February 13, 2017

Honorable Ryan I. Yamane
Chair, House Committee on Water and Land
Hawaii State Capitol
Room 420
Honolulu, HI 96813

Honorable Sam Satoru Kong
Vice Chair, House Committee on Water and Land
Hawaii State Capitol
Room 313
Honolulu, HI 96813

RE: HB 625: SUPPORT – Small Wireless Facility Deployment

Dear Chair Yamane and Vice Chair Satoru Kong,

On behalf of Sprint, I am pleased to advise you of our Support for House Bill 625, related to the deployment of small wireless facilities. House Bill 625 is a common sense bill that seeks to expedite deployment of wireless infrastructure so that Hawaii's consumers and businesses can receive the wireless coverage and capacity they demand in a timely manner. House Bill 625 allows providers like Sprint the opportunity to responsibly deploy small cells by having reasonable access to existing state and county infrastructure within and outside the public rights-of-way (ROW).

Today, wireless communication is a critical part of our everyday lives. From security to public safety, education to entertainment, fitness to finance, and much more. Our lives at home, work and school are more wirelessly connected than ever. Business, consumers and government simply depend on it. In order to accommodate these rapidly growing demands, wireless infrastructure is needed, which is why House Bill 625 is so important and timely.

While wireless providers seek to make considerable infrastructure investments to keep up with consumer demand, this process can often be delayed as a result of the local permitting process, which can stall applications for months. House Bill 625 helps remove these barriers by making the deployment of small cells a permitted use while retaining a locality's requirement for building and encroachment permits as well as applicable health and safety codes.



House Bill 625 ensures uniformity and predictability in the application process, which will help increase and improve competitive voice and broadband services throughout Hawaii, benefitting consumers across the state.

For these reasons, we are pleased to support House Bill 625. Please contact me should you have any questions or require additional information.

Very truly yours,

Brenda M. Palomino
State Government Affairs Manager, Western Region

TO THE HOUSE COMMITTEE ON WATER AND LAND

TESTIMONY RELATING TO HB 625 HD1

**MARK BROWN
VICE PRESIDENT – STATE REGULATORY AFFAIRS
CHARTER COMMUNICATIONS, INC.**

February 15, 2017

TO THE HONORABLE RYAN YAMANE, CHAIR, AND MEMBERS OF THE COMMITTEE:

I appreciate the opportunity to submit testimony on behalf of Charter Communications, the overall corporate parent of Oceanic Time Warner Communications, regarding both our company and pending legislation concerning small cell deployment.

At the outset, I want to highlight Oceanic's commitment to robust broadband deployment in Hawaii. Oceanic is the single largest provider of high-speed broadband and video throughout the state. We currently have deployed over 2,900 Wi-Fi hotspots throughout the Islands, with a commitment to provide an additional 1,000 hotspots by 2020. Oceanic has also committed to raise our base or floor-level broadband speed to 60 MBs by May of this year. Additionally, Oceanic is also planning to introduce by May Spectrum Internet Assist, our low-cost broadband program for low-income families and seniors, which at 30MBs, will be the fastest program of its kind offered by any broadband provider, and we believe will have a tremendous positive impact on the communities we serve in Hawaii.

HB 625 HD1 raises unlevel playing field concerns by potentially crafting special rules for the placement of small wireless facilities in the right of way. Access to municipal rights of way should be equitable access for all occupiers.

In order to access the public right of way Charter, as a cable operator, is required to obtain a franchise, which involves a lengthy vetting process with DCCA. We are also subject to stringent safety and other obligations, including the requirement to pay franchise fees in Hawaii of 5% of gross revenue for occupancy and use. This equates to millions of dollars each year in payments.

This legislation is intended largely to allow unfranchised entities to circumvent the right of way authorization process, bypassing the procedure applicable to cable providers.

We are very concerned that cable operators should not be treated discriminatorily simply because we use the right of way to offer video/cable service, and our customers should not have to pay for us to use the right of way when others do not. Direct Broadcast Satellite companies like Dish Network and DirecTV already enjoy an advantage because they are not subject to any state or local regulation applicable to cable operators. This legislation would go one step further, allowing companies that are building a series of *wireline* networks to circumvent the processes

applicable to cable providers simply because they deliver content to customers over a wireless device like a mobile phone.

It is worth noting that the expedited process contemplated by this legislation does not apply only to the antennas themselves. The definition of “small wireless facility”, for example, appears to include all “associated equipment”, which seems to encompass “cable runs for the connection of power and other services.” Use of the term “associated equipment” for the provision of “other services” is a clear example of the bill’s effort to broaden its application beyond the stated purpose of wireless facility deployment and cover all uses of the public right of way, including a series of wireline connections between wireless antenna sites.

The bill is also unfair with regard to payment for the use of the public right of way. The expedited wireless process severely limits fees while cable operators pay millions of dollars in franchise fees each year (not to mention cable’s provision of valuable public, educational and government programming and other obligations that flow from our cable authorization). We think reduced fees for wireless services would be appropriate but only if the Legislature were willing to consider a comprehensive reform of all fees and obligations required of cable and telecommunications providers for access to the public right of way.

Finally, it is important to note that requiring underlying right of way authority also ensures better coordination among the entities within the right of way (electric, telephone, cable) when plant and network are installed, repaired or replaced. Entities that are allowed to place equipment in the right of way without such authority can easily jeopardize the network and services of other providers.

HB 625 HD1 makes significant changes to the current process for right of way access and creates an unlevel playing field. We ask the Committee to hold consideration of the bills until it has an opportunity to further review the implications of these bills.

**Testimony of Mobilitie, LLC
IN SUPPORT OF HB 625 HD1, Relating to Infrastructure
Before the House Water & Land Committee
Tuesday, February 15, 2017 10:00 am
Conference Room 325, State Capitol
RE: House Bill 625 HD1**

Chair Yamane, Vice Chair Kong, Members of the Water & Land Committee:

Mobilitie supports HB 625 HD 1, which facilitates the deployment of high-speed broadband infrastructure by establishing the siting process for small wireless facilities and small wireless facilities networks on state- and county-owned land.

Mobilitie is a nationwide provider of wireless infrastructure solutions, currently deploying a hybrid transport network designed to provide high-speed, high-capacity bandwidth in order to facilitate the next generation of devices and data-driven services. HB 625 HD 1 is much needed legislation which would allow Mobilitie to efficiently deploy small wireless facilities in order to meet the needs of Hawaii's consumers and businesses.

HB 625 HD 1 facilitates the permitting process through batch submissions, providing a consistent process for approval or denial, while preserving appropriate local control, and sets fair and non-discriminatory rate structures based on cost, consistent with the Federal Government guidelines. This enables the industry to efficiently and rapidly deploy much needed high-speed broadband infrastructure for Hawaii. Small wireless facilities will help densify the current network in order to sustain the data capacity needed today, while building in capacity for future technologies that support 5G.

Mobilitie is poised to invest in building out our network as soon as this legislation is effective, which will provide for dozens of local jobs, and millions of dollars invested in the local economy. Therefore, I urge the committee to support HB 625 HD 1.

Thank you for the opportunity to testify.



Joyce Masamitsu
Director, Public Policy & Legal Affairs
Pacific and North Central Markets
15505 Sand Canyon Avenue
Irvine, CA 92618

February 15, 2017

Honorable Ryan I. Yamane
Chair, House Committee on Water and Land
Hawaii State Capitol
Room 420
Honolulu, HI 96813

Honorable Sam Satoru Kong
Vice Chair, House Committee on Water and Land
Hawaii State Capitol
Room 313
Honolulu, HI 96813

RE: HOUSE BILL 625 HD1 – Small Wireless Facility Deployment - SUPPORT

Dear Chair Yamane, Vice Chair Kong and Committee Members:

On behalf of Verizon, I submit this testimony in STRONG SUPPORT of House Bill 625 HD1 and offer a set of amendments as attached. This legislation seeks to create the legal framework necessary to expedite the deployment of small wireless facilities in order to meet the current demands of mobile users and while also creating the infrastructure to deploy 5G technologies and next generation wireless networks.

The Problem HB 625 Addresses

There are approximately 1,450,000 wireless subscribers in the state of Hawaii and 95% of Hawaii residents have access to mobile broadband. Explosive growth in the demand for mobile data presents a network capacity challenge for wireless providers. Throughout the state of Hawaii growing demand is reducing available capacity across existing wireless infrastructure, leading to network congestion. The end result is slower broadband speeds, shrinking cellular footprints and increased coverage problems evidenced by an increase in dropped calls. Wireless infrastructure providers are addressing these capacity issues by deploying small wireless facilities, in addition to using existing macro sites.¹

¹ Small wireless facilities are relatively new and much smaller than macro towers. Small wireless facilities normally consist of a small antenna, radios (that process the spectrum) and certain support equipment mounted on utility poles, street lights, signs, bus shelters traffic signals or other host structures. Although the designs may vary slightly as required to support the network in a particular area, small cells typically consist of a 40" tall by 12" diameter canister antenna; cables down the pole to 1 or 2 radio heads; an electrical disconnect switch in the junction box that will power down the antenna if crews will be working on or near the antenna; and unless the electric utility allows a flat fee arrangement, a power meter. For most installations, small cell are connected to the wireless network by fiber, which may be installed aerially or underground as required in the area. These

Honorable Ryan I. Yamane
Honorable Sam Satoru Kong
February 15, 2017
Page 2

Because small wireless facilities are relatively new, most county or state existing legal frameworks require obtaining the same time-consuming discretionary permits as with a macro tower installation. HB 625 HD1 would address this problem by creating a legal framework that streamlines the permitting process for small wireless facilities and provides for access to government utility and light poles. This legislation preserves state and local government authority to deny an application that does not meet building, electrical, health, safety and public right of way use permit requirements. Finally, HB 625 HD1 fairly compensates the state and local government through reasonable and nondiscriminatory cost-based fees consistent with federal pricing standards. Such policy encourages wireless providers to invest in wireless broadband technology in order to bring its benefits to the people of Hawaii.

The 5G Benefits of HB 625

The speedy deployment of wireless service and broadband through small wireless facilities is critical to meet current mobile user's data demands as well as the deployment of next generation wireless network: 5G. This new technology—spawned by the release of new “millimeter wave” spectrum—will be truly a game changer. 5G will be 100x faster than the current technology, 4G, and the spectrum has 1/10 the latency of 4G, making response time from a command nearly imperceptible to humans. Together, ultra-fast speed and super low latency will power telemedicine, remote surgery, remote equipment operation, public safety communications, and enhance safety on the roads by allowing much better pre-crash sensing, enabling vehicles to sense imminent collisions and mitigate or even avoid adverse impacts of a collision. 5G technology will enable simultaneous connections from billions of independent devices and embedded sensors, from cellphones to home appliances to clothing, creating the internet of things (IoT) and enabling “smart city” solutions (such as intelligent lighting, intelligent traffic and smart meters).

HB 625 HD1 seeks to deliver a state policy framework that strikes the right balance in encouraging ongoing investment in wireless broadband data technology that consumers, business and government increasingly demand, while maintaining the state's and local governments' oversight of the public rights-of-way. Although in support of HB 625, HD1, Verizon Wireless believes that certain amendments in this version of the bill create ambiguities that could discourage investment and reduce the effectiveness of the bill. Therefore Verizon Wireless recommends that HB 625 HD 1 be amended as proposed in the attached HD2.

Mahalo for your consideration.

deployments are designed to blend into the existing environment as much as possible. Indeed, due to their small size and unobtrusive design, they are aesthetically pleasing compared to traditional “macro” cell towers.

A BILL FOR AN ACT

RELATING TO INFRASTRUCTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the efficient deployment of broadband infrastructure and technology is important for Hawaii's future global connectivity and economic viability. Among the benefits afforded by an advanced broadband infrastructure system are increased and enhanced educational opportunities, telehealth capacity, safety and civil defense communications, economic competitiveness, consumer privileges, and tourism services.

To ensure that consumers throughout the State may benefit from these services as soon as possible, and to provide wireless providers with a fair and predictable process for the deployment of small wireless facilities, the legislature finds that it is important to regulate the deployment of small wireless facilities and small wireless facilities networks.

The purpose of this Act is to facilitate the deployment of high-speed broadband infrastructure, including small wireless

facilities and small wireless facilities networks. As to utility poles owned jointly by the state or county and private investor-owned utilities, this Act does not relieve wireless infrastructure providers from existing requirements related to attaching to private investor-owned utility poles.

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to part VII to be appropriately designated and to read as follows:

"§27- Siting of small wireless facilities and small wireless facilities networks. The State shall permit, as a permitted use, subject only to clear and objective building permit standards, the collocation of small wireless facilities or small wireless facilities networks on state structures, state utility poles, and state light standards for the deployment of high speed wireless or wireless broadband infrastructure as follows:

- (1) Small wireless facilities and small wireless facilities networks shall not be subject to the standards of a special or conditional use permit in:
 - (A) All public rights-of-way and property;
 - (B) All land designated as rural or agriculture in accordance with chapter 205; and
 - (C) All land designated as urban;

provided that, for the purposes of this paragraph, permissible uses within the agricultural district conform to the definition of "wireless communication antenna" in accordance with section 205-4.5(a)(18);

(2) Small wireless facilities and small wireless facilities networks may be processed for a special or conditional use permit when the small wireless facilities and small wireless facilities networks are located on land designated as conservation, in accordance with chapter 205;

(3) Wireless providers shall have the right to place Small Wireless Facilities on state utility poles, state structures and on light standards. The State may require building permits or other non-discretionary permits for the collocation of small wireless facilities and small wireless facilities networks; provided that the permits are of general applicability. The State shall receive applications for, and process and issue the permits and approvals in accordance with applicable laws, including section 27-45 and subject to the following requirements:

(A) An applicant shall not be required to perform any services, including restoration work not directly

related to the collocation, to obtain approval of an application;

(B) An application may be denied if it does not meet applicable laws or rules regarding construction in the public rights-of-way and building or electrical codes or standards; provided that the codes and standards are of general applicability. The State shall document the basis for any denial, including the specific code provisions or standards on which the denial was based; and

(C) An applicant for a small wireless facilities network involving no more than twenty-five individual small wireless facilities of a substantially similar design may request and shall be permitted to file a consolidated application and receive a single permit for the installation, construction, maintenance, and repair of the small wireless facilities network instead of filing separate applications for each individual small wireless facility;

(D) Applications for permits for the collocation of small wireless facilities and small wireless facilities networks shall be deemed applications

for broadband-related permits, as defined in HRS 27-45(i).

(4) A wireless provider may collocate small wireless facilities and small wireless facilities networks on state structures, state utility poles, and state light standards located within the land identified in paragraph (1) (A), (B), and (C), subject to rates, terms, and conditions. The annual recurring rate to collocate a small wireless facility or small wireless facility network on a state structure, state utility pole, or state light standard shall not exceed the rate produced by applying the formula adopted by the Federal Communications Commission for telecommunications pole attachments in 47 C.F.R. §1.1409(e) (2); provided that, if the Federal Communications Commission adopts a rate formula for small wireless facility or small wireless facility network attachments, that rate formula shall apply; and

(5) The State shall not require a permit for ~~may authorize~~ a wireless provider or wireless provider's licensed contractor to maintain, repair, or replace the providers' small wireless facilities ~~and small wireless facilities networks~~ with facilities that are

substantially the same, or smaller, in size, weight, and height as the existing facilities, except as necessary to protect public safety.—For the purpose of this paragraph, the State may consider other impacts of the attachment."

SECTION 3. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

"§46- Siting of small wireless facilities and small wireless facilities networks. The county shall permit, as a permitted use subject only to clear and objective building permit standards, the collocation of small wireless facilities or small wireless facilities networks on county structures, county utility poles, and county light standards for the deployment of high speed wireless or wireless broadband infrastructure as follows:

- (1) Small wireless facilities and small wireless facilities networks shall not be subject to the standards of a special or conditional use permit in:
 - (A) All public rights-of-way and property;
 - (B) All land designated as rural or agriculture in accordance with chapter 205; and
 - (C) All land designated as urban;

provided that, for the purposes of this paragraph, permissible uses within the agricultural district conforms to the definition of "wireless communication antenna" in accordance with section 205-4.5(a)(18);

(2) Small wireless facilities and small wireless facilities networks may be processed for a special or conditional use permit when the small wireless facilities and small wireless facilities networks are located on land designated as conservation, in accordance with chapter 205;

(3) Wireless providers shall have the right to place Small Wireless Facilities on county-owned poles, county structures and light standards. The county may require building permits or other non-discretionary permits for the collocation of small wireless facilities and small wireless facilities networks, provided that the permits are of general applicability. The county shall receive applications for, and process and issue the permits and approvals in accordance with applicable laws, including section 46-89 and subject to the following requirements:

(A) An applicant shall not be required to perform any services, including restoration work not directly

related to the collocation, to obtain approval of applications;

(B) An application may be denied if it does not meet applicable laws or rules regarding construction in the public rights-of-way and building or electrical codes or standards; provided that the codes and standards are of general applicability. The county shall document the basis for any denial, including the specific code provisions or standards on which the denial was based; and

(C) An applicant for a small wireless facilities network involving no more than twenty-five individual small wireless facilities of a substantially similar design may request and shall be permitted to file a consolidated application and receive a single permit for the installation, construction, maintenance, and repair of the small wireless facilities network instead of filing separate applications for each individual small wireless facility;

(D) Applications for permits for the collocation of small wireless facilities and small wireless facilities networks shall be deemed applications

for broadband-related permits, as defined in HRS 46-89(h).

(4) A wireless provider may collocate small wireless facilities and small wireless facilities networks on county structures, county utility poles and county light standards located within the land identified in paragraph (1) (A), (B), and (C), subject to rates, terms, and conditions. The annual recurring rate to collocate a small wireless facility or small wireless facility network on a county structure, county utility pole, or county light standard shall not exceed the rate produced by applying the formula adopted by the Federal Communications Commission for telecommunications pole attachments in 47 C.F.R. §1.1409(e) (2); provided that, if the Federal Communications Commission adopts a rate formula for small wireless facility or small wireless facility network attachments, that rate formula shall apply; and

(5) The counties shall not require a permit for ~~may~~ authorize a wireless provider or wireless provider's licensed contractor to maintain, repair, or replace the providers' small wireless facilities and small wireless facilities networks with facilities that are

substantially the same, or smaller, in size, weight, and height as the existing facilities, except as necessary to protect public safety.—For the purpose of this paragraph, the county may consider other impacts of the attachment."

SECTION 4. Section 27-41.1, Hawaii Revised Statutes, is amended by adding nine new definitions to be appropriately inserted and to read as follows:

"Collocation" means the installation, mounting, maintenance, modification, operation, or replacement of wireless or wireless broadband service equipment on a tower, utility pole, light standard, building, or other existing structure for the purpose of transmitting or receiving radio frequency signals for communications purposes. For purposes of this definition, "wireless or wireless broadband service equipment":

- (1) Includes small wireless facilities, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and
- (2) Does not include the structure or improvements on, under, or within which the equipment is collocated.

"General applicability" refers to laws, regulations, or processes that apply to objective requirements to all persons or

services in a nondiscriminatory manner and do not apply exclusively to small wireless facilities.

"Light standard" means a street light, light pole, lamp post, street lamp, lamp standard, or other raised source of light located inside the right-of-way of a public road or highway, or utility easement.

"Public property" means property owned or controlled by the State, state agencies, or a county and includes buildings, water tanks, decorative poles, and light standards.

"Rights-of-way" means the areas on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property.

"Small wireless facilities" means wireless facilities that meet the following qualifications:

- (1) Each individual antenna, excluding the associated equipment, is individually no more than three cubic feet in volume, and all antennas on the structure total no more than six cubic feet in volume; and
- (2) All other wireless equipment associated with the structure, excluding cable runs for the connection of power and other services, do not cumulatively exceed:
 - (A) Twenty-eight cubic feet for collocations on all non-pole structures, including but not limited to

buildings and water tanks, that can support fewer than three providers;

(B) Twenty-one cubic feet for collocations on all pole structures, including but not limited to light poles, traffic signal poles, and utility poles, that can support fewer than three providers;

(C) Thirty-five cubic feet for non-pole collocations that can support at least three providers; or

(D) Twenty-eight cubic feet for pole collocations that can support at least three providers.

"Small wireless facilities network" means a group of interrelated small wireless facilities designed to deliver wireless communications service.

"Utility pole" means a pole or similar structure that is used in whole or in part for communications service, electric service, lighting, traffic control, signage, or similar functions.

"Wireless provider" means a person or entity that is:

- (1) A provider as defined in section 440J-1;
- (2) A wireless telecommunications service provider as defined in section 269-16.93; or
- (3) Authorized in accordance with chapter 269 to provide facilities-based telecommunications services in the State and builds, installs, operates, or maintains

facilities and equipment used to provide fixed or mobile services through small wireless facilities."

SECTION 5. Section 46-15.6, Hawaii Revised Statutes, is amended by adding nine new definitions to be appropriately inserted and to read as follows:

"Collocation" means the installation, mounting, maintenance, modification, operation, or replacement of wireless or wireless broadband service equipment on a tower, utility pole, light standard, building, or other existing structure for the purpose of transmitting or receiving radio frequency signals for communications purposes. For purposes of this definition, "wireless or wireless broadband service equipment":

- (1) Includes small wireless facilities, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and
- (2) Does not include the structure or improvements on, under, or within which the equipment is collocated.

"General applicability" refers to laws, regulations, or processes that apply to objective requirements to all persons or services in a nondiscriminatory manner and do not apply exclusively to small wireless facilities.

"Light standard" means a street light, light pole, lamp post, street lamp, lamp standard, or other raised source of light located inside the right-of-way of a public road or highway, or utility easement.

"Public property" means property owned or controlled by the State, state agencies, or a county and includes buildings, water tanks, decorative poles, and light standards.

"Rights-of-way" means the areas on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property.

"Small wireless facilities" means wireless facilities that meet the following qualifications:

- (1) Each individual antenna, excluding the associated equipment, is individually no more than three cubic feet in volume, and all antennas on the structure total no more than six cubic feet in volume; and
- (2) All other wireless equipment associated with the structure, excluding cable runs for the connection of power and other services, do not cumulatively exceed:
 - (A) Twenty-eight cubic feet for collocations on all non-pole structures, including but not limited to buildings and water tanks, that can support fewer than three providers;

- (B) Twenty-one cubic feet for collocations on all pole structures, including but not limited to light poles, traffic signal poles, and utility poles, that can support fewer than three providers;
- (C) Thirty-five cubic feet for non-pole collocations that can support at least three providers; or
- (D) Twenty-eight cubic feet for pole collocations that can support at least three providers.

"Small wireless facilities network" means a group of interrelated small wireless facilities designed to deliver wireless communications service.

"Utility pole" means a pole or similar structure that is used in whole or in part for communications service, electric service, lighting, traffic control, signage, or similar functions.

"Wireless provider" means a person or entity that is:

- (1) A provider as defined in section 440J-1;
- (2) A wireless telecommunications service provider as defined in section 269-16.93; or
- (3) Authorized in accordance with chapter 269 to provide facilities-based telecommunications services in the State and builds, installs, operates, or maintains facilities and equipment used to provide fixed or mobile services through small wireless facilities."

SECTION 6. Section 205-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre, except as provided by county ordinance pursuant to section 46-4(c), in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots except that within a subdivision, as defined in section 484-1, the commission for good cause may allow one lot of less than one-half acre, but not less than eighteen thousand five hundred square feet, or an equivalent residential density, within a rural subdivision and permit the construction of one dwelling on such lot; provided that all other dwellings in the subdivision shall have a minimum lot size of one-half acre or 21,780 square feet. Such petition for variance may be processed under the special permit procedure. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics. Rural districts shall also include golf courses, golf driving ranges, and golf-related facilities.

In addition to the uses listed in this subsection, rural districts shall include geothermal resources exploration and

geothermal resources development, as defined under section 182-1, and wireless communication antenna, as defined under section 205-4.5(a)(18), as permissible uses."

SECTION 7. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:

- (1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;
- (2) Game and fish propagation;
- (3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;
- (4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. "Farm dwelling", as used in this paragraph, means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where

agricultural activity provides income to the family occupying the dwelling;

- (5) Public institutions and buildings that are necessary for agricultural practices;
- (6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;
- (7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;
- (8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;
- (9) Agricultural-based commercial operations as described in section 205-2(d) (15);
- (10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities,

photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, and vehicle and equipment storage areas that are normally considered directly accessory to the above-mentioned uses and are permitted under section 205-2(d);

(11) Agricultural parks;

(12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:

(A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land;

(B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or

- (C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;
- (13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;
- (14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;

- (15) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that the wind energy facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land;
- (16) Biofuel processing facilities, including the appurtenances associated with the production and refining of biofuels that is normally considered directly accessory and secondary to the growing of the energy feedstock; provided that biofuel processing facilities and appurtenances do not adversely impact agricultural land and other agricultural uses in the vicinity.

For the purposes of this paragraph:

"Appurtenances" means operational infrastructure of the appropriate type and scale for economic commercial storage and distribution, and other similar handling of feedstock, fuels, and other products of biofuel processing facilities.

"Biofuel processing facility" means a facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, and oil crops, including palm, canola, soybean, and

waste cooking oils; grease; food wastes; and animal residues and wastes that can be used to generate energy;

- (17) Agricultural-energy facilities, including appurtenances necessary for an agricultural-energy enterprise; provided that the primary activity of the agricultural-energy enterprise is agricultural activity. To be considered the primary activity of an agricultural-energy enterprise, the total acreage devoted to agricultural activity shall be not less than ninety per cent of the total acreage of the agricultural-energy enterprise. The agricultural-energy facility shall be limited to lands owned, leased, licensed, or operated by the entity conducting the agricultural activity.

As used in this paragraph:

"Agricultural activity" means any activity described in paragraphs (1) to (3) of this subsection.

"Agricultural-energy enterprise" means an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility.

"Agricultural-energy facility" means a facility that generates, stores, or distributes renewable

energy as defined in section 269-91 or renewable fuel including electrical or thermal energy or liquid or gaseous fuels from products of agricultural activities from agricultural lands located in the State.

"Appurtenances" means operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural-energy facilities;

- (18) Construction and operation of wireless communication antennas~~(+)~~, including small wireless facilities; provided that, for the purposes of this paragraph, "wireless communication antenna" means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that nothing in this paragraph shall be construed to permit the construction of any new structure that is not deemed a permitted use under this subsection; provided further that "small wireless facilities" shall have the same meaning as set forth in sections 27-41.1 and 46-15.6;

(19) Agricultural education programs conducted on a farming operation as defined in section 165-2, for the education and participation of the general public; provided that the agricultural education programs are accessory and secondary to the principal agricultural use of the parcels or lots on which the agricultural education programs are to occur and do not interfere with surrounding farm operations. For the purposes of this paragraph, "agricultural education programs" means activities or events designed to promote knowledge and understanding of agricultural activities and practices conducted on a farming operation as defined in section 165-2;

(20) Solar energy facilities that do not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser or for which a special use permit is granted pursuant to section 205-6; provided that this use shall not be permitted on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A unless the solar energy facilities are:

(A) Located on a paved or unpaved road in existence as of December 31, 2013, and the parcel of land upon

- which the paved or unpaved road is located has a valid county agriculture tax dedication status or a valid agricultural conservation easement;
- (B) Placed in a manner that still allows vehicular traffic to use the road; and
 - (C) Granted a special use permit by the commission pursuant to section 205-6;
- (21) Solar energy facilities on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6; provided that:
- (A) The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties;
 - (B) Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county planning commission prior to date of commencement of commercial generation; and

(C) Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:

- (i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and
- (ii) Restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3);

(22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1; or

(23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:

(A) Shall consist of a small hydropower facility as defined by the United States Department of Energy, including:

- (i) Impoundment facilities using a dam to store water in a reservoir;
 - (ii) A diversion or run-of-river facility that channels a portion of a river through a canal or channel; and
 - (iii) Pumped storage facilities that store energy by pumping water uphill to a reservoir at higher elevation from a reservoir at a lower elevation to be released to turn a turbine to generate electricity;
- (B) Comply with the state water code, chapter 174C;
- (C) Shall, if over five hundred kilowatts in hydroelectric generating capacity, have the approval of the commission on water resource management, including a new instream flow standard established for any new hydroelectric facility; and
- (D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered."

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2017;
provided that this Act shall apply to permit applications filed
with the State or county after January 1, 2018.

Report Title:

Broadband; Small Wireless Facilities; Siting Process; State and County Land

Description:

Establishes the siting process of infrastructure for small wireless facilities and small wireless facilities networks on state- and county-owned land. (HB625 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Testimony before the House Committee on Water & Land

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

Wednesday, February 15, 2017
10:00 a.m., Conference Room 325

House Bill 625 HD1 Relating to Infrastructure

Chair Yamane, Vice Chair Kong, and Members of the Committee:

My name is Paul Nakagawa, and I am testifying on behalf of the Hawaiian Electric Company, Inc. and its subsidiaries, Hawaii Electric Light Company, Inc. and Maui Electric Company, Limited (collectively, the “Hawaiian Electric Companies”) in support of the intent of HB 625 HD1.

We appreciate the House Committee on Intrastate Commerce in considering our comments in our written testimony on HB 625. While we support and encourage the deployment of high-speed broadband infrastructure in Hawaii, and, as an active participant, 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 have the following strong concerns with HB 625 HD1 as written:

1. The proposed amendment to Chapter 27, Hawaii Revised Statutes, described in SECTION 2, page 2, line 5 states: ***“The State shall permit the collocation of small wireless facilities or small wireless facilities networks on state structures, state utility poles, and state light standards for the deployment of high speed broadband infrastructure....”*** To further support the intent of this bill and clarify that the siting of small wireless facilities or small wireless facilities networks do not include collocation on facilities jointly owned with the Hawaiian Electric Companies, we propose that this section be amended as follows: ***“The State shall permit the collocation of ~~small wireless facilities or small wireless facilities networks~~ on state structures, state utility poles, and state light standards, provided that such structures, poles,***

and light standards are exclusive of ownership with the Hawaiian Electric Companies, for the deployment of high speed broadband infrastructure....”

2. Similarly, on page 4, line 16 states: **“A wireless provider may collocate small wireless facilities and small wireless facilities networks on state structures, state utility poles, and state light standards located within the land identified....”** To further support the intent of this bill and clarify that the siting of small wireless facilities or small wireless facilities networks do not include collocation on facilities jointly owned with the Hawaiian Electric Companies, we propose that this section be amended as follows: **“A wireless provider may collocate small wireless facilities and small wireless facilities networks on state structures, state utility poles, and state light standards, provided that such structures, poles, and light standards are exclusive of ownership with the Hawaiian Electric Companies, located within the land identified....”**

3. The proposed amendment to Chapter 46, Hawaii Revised Statutes, described in SECTION 3, page 6, line 5 states: **“The county shall permit the collocation of small wireless facilities or small wireless facilities networks on county structures, county utility poles, and county light standards for the deployment of high speed broadband infrastructure....”** To further support the intent of this bill and clarify that the siting of small wireless facilities or small wireless facilities networks do not include collocation on facilities jointly owned with the Hawaiian Electric Companies, we propose that this section be amended as follows: **“The county shall permit the collocation of small wireless facilities or small wireless facilities networks on county structures, county utility poles, and county light standards, provided that such structures, poles, and light standards are exclusive of ownership with the Hawaiian Electric Companies, for the deployment of high speed broadband infrastructure....”**

4. Similarly, on page 8, line 16 states: **“A wireless provider may collocate small wireless facilities and small wireless facilities networks on county structures, county utility poles, and county light standards located within the land identified....”** To further support the intent of this bill and clarify that the siting of small wireless facilities or small wireless facilities networks do not include collocation on facilities jointly owned with the Hawaiian Electric Companies, we propose that this section be amended as follows: **“A wireless provider may collocate small wireless facilities and small wireless facilities networks on county structures, county**

utility poles, and county light standards, provided that such structures, poles, and light standards are exclusive of ownership with the Hawaiian Electric Companies, located within the land identified....”

We appreciate the support of the Legislature and 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.

HOUSE COMMITTEE
ON
WATER AND LAND

February 15, 2017

House Bill 625, HD1 Relating to Infrastructure

Chair Yamane, Vice Chair Kong, and members of the House Committee on Water and Land, I am Jim Blundell, Senior Manager, State Government Affairs, T-Mobile USA, Inc.

T-Mobile is committed to bringing the most technologically advanced, efficient, and beneficial services to its customers in Hawaii and throughout the country. We **support** House Bill 625, HD1 Relating to Infrastructure for the following reasons:

As the next wave of advances are developed, and wireless carriers prepare to invest the billions of dollars necessary to deliver those advances to consumers, it becomes clear that governments are not quite prepared for what is coming. Here's what we know so far:

- The national wireless carriers have built out robust 4G networks, which rely on hundreds of thousands of large, macro cell sites across the country.
- Consumer demand for wireless data continues to grow exponentially.
- Cities, counties and states can only thrive and compete, and serve their constituencies, when they're able to deliver the most advanced services and capabilities to their citizens, at the capacity they demand.
- The next generation of wireless technology—5G—will require even more capacity, improved latency, and more ubiquitous coverage.
- Networks of small and densely-configured wireless installations are absolutely necessary for the success of 5G.
- Municipal rights of way provide an exceptional opportunity for local government to deliver the next generation of wireless services to their constituencies.
- Wireless providers will invest in and deliver 5G where there is reasonable access to rights of way and certainty in the approval process.

In order to achieve these objectives, T-Mobile believes that a state must be prepared to provide the following three policy principles, developed by CTIA:

Access: States and local governments must provide reasonable access to the public rights-of-way (ROW) so they can responsibly deploy small cells near consumers in urban areas, which helps to meet customer demand for faster data speeds, stronger in-building signals and an overall improved customer experience.

Reasonable Costs and Fees: Today, access to the right of way often comes at an exorbitant price, which acts to curb investment in wireless infrastructure. Application fees, attachment fees and ROW access fees must be based on the actual, direct management costs of local government, without discriminating against any technology.

Streamlined Siting Processes: Local government should not treat small wireless facilities the same as cell towers that have been built to date. Investment requires the certainty of streamlined approval processes, expedited timelines and objective standards. Applications should be “deemed approved” if no action is taken within a specified time. Applicants should be allowed to consolidate applications for approval of small cell installations, in order to minimize administrative impacts while improving efficiency.

T-Mobile supports these principles and eagerly advocates for adoption of legislation that implements these principles.

House Bill 625, HD 1 has captured these principles, as well as a vision for Hawaii as a national leader on wireless infrastructure investment. House Bill 625, HD1 recognizes the need to provide access to local rights of way and certainty in the approval process. And the bill also establishes reasonable parameters on the fee structure local governments can expect in exchange for their careful review of applications and the maintenance of rights of way. House Bill 625, HD1 will place Hawaii firmly in the lead among states that wish to attract the heavy investment necessary to bring the next generation of wireless technology to the people of Hawaii.

For more information, please visit T-Mobile’s own website on these important technology developments, <http://howmobileworks.com/>.

Thank you for the opportunity to present this testimony.

LATE

HB 625 HD1

RELATING TO INFRASTRUCTURE

**KEN HIRAKI
VICE PRESIDENT – GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN TELCOM**

February 15, 2017

Chair Yamane and members of the Committee:

Hawaiian Telcom supports the intent of HB 625 HD1 to promote the deployment of advanced broadband services throughout the state.

While we support the intent of this measure, we believe that benefits afforded to small wireless facilities under HB 625 HD1 should apply equally to wireline broadband as well.

In order to maintain a level regulatory playing field in the statewide rollout of advanced broadband service, Hawaiian Telcom respectfully requests that the bill be amended to also include “wireline” services and facilities. We also request that the bill be amended to clarify that state and county collocation fees on poles be limited to the use of the state or county’s designated collocation space and not to the space owned by other joint pole owners.

As the late Senator Daniel K. Inouye proclaimed at a hearing on the importance of increasing Hawaii’s broadband capabilities:

“Broadband matters because broadband communications have become the great economic engine of our time. Broadband deployment drives opportunities for business, education, and healthcare...Add to this hundreds of millions of dollars in savings through e-government and telemedicine initiatives and untold riches we can reap by tapping the genius of web-based entrepreneurs in every corner of this country. The case for better broadband is clear.”

Measures designed to encourage and promote both wireline and wireless services will help speed up the build-out of Hawaii’s broadband network and provide consumers with the services that the need and at prices that they can afford.

Based on the aforementioned, Hawaiian Telcom requests that the committee look favorably upon our suggested amendments.

Thank you for the opportunity to testify.



Chamber of Commerce HAWAII
The Voice of Business

LATE

**Testimony to the House Committee on Water & Land
Wednesday, February 15, 2017 at 10:00 A.M.
Conference Room 325, State Capitol**

RE: HOUSE BILL 625 HD1 RELATING TO INFRASTRUCTURE

Chair Yamane, Vice Chair Kong, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports the intent of** HB 625 HD1, which establishes the siting process of infrastructure for small wireless facilities and small wireless facilities networks on state and county owned land.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,600+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

This legislation will not only establish a faster and more reliable wireless network, but will also fuel our workforce and put more money into the pockets of local consumers and businesses. Telecom operators are expected to invest approximately \$275 billion in infrastructure, which would create three million jobs and pump \$500 billion into the GDP. At a local level, 5G has proven its impact of stimulating our economy by creating nearly 3,500 jobs and is estimated to generate over \$216 million in Smart City benefits for Hawaii, such as reduced commute times and improved public safety. In fact, wireless jobs offer better wages for local workers, paying 46 percent more on average than other jobs in Hawaii.

This proposed legislation will give today's businessperson or entrepreneur the tools they need to succeed in our local economy while ensuring Hawaii businesses maintain their competitive edge in the long-term. To ensure that local consumers and businesses may benefit from 5G as soon as possible, we must have a framework in place to streamline the process quickly and efficiently. By deploying a more robust wireless network, Hawaii will be able to offer businesses and start-ups a promising future in a world that is interconnected and rapidly changing.

Thank you for the opportunity to testify.