

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
LUIS P. SALAVERIA, Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEES ON ECONOMIC DEVELOPMENT, TOURISM AND
TECHNOLOGY & PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS**
Friday, February 3, 2017
1:20 pm
State Capitol, Conference Room 414
in consideration of
SB 1201
RELATING TO TECHNOLOGY

Chairs Wakai and Nishihara, Vice Chairs Taniguchi and Wakai, and Members of the Senate Committees on Economic Development, Tourism, and Technology & Public Safety, Intergovernmental, and Military Affairs.

The Department of Business, Economic Development and Tourism (DBEDT) **supports the intent** of SB 1201. However, we prefer the language provided in SB 913.

SB 1201 repeals sections of Act 151(11) and codifies, in HRS Ch. 27, exemptions for broadband infrastructure from various state and county permitting requirements under certain conditions; clarifies the exemption to include small wireless facilities; and expands the definition of wireless communications antennas in HRS Ch. 205-4.5(a)(18) to include small wireless facilities.

DBEDT urges the Committee to pass out SB 1201 with language provided in SB 913. SB 913 allows installation of collocations of up to 25 small wireless facilities to be treated as a permitted use, instead of as a conditional use or special permit by state or county permitting agencies.

Small wireless facilities fit on light standards and utility poles in public rights-of-way and their visual impact is minimal. Expediting their installations by all wireless carriers will help Hawaii residents keep up with the increased speed and capacity needed to remain economically competitive with the rest of the world.

Thank you for the opportunity to offer these comments/support on SB 1201.



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

STATE OF HAWAII
CABLE TELEVISION DIVISION
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TO THE SENATE COMMITTEES ON
ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY
AND
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Date: Friday, February 3, 2017
Time: 1:20 p.m.

TESTIMONY ON S.B. NO. 1201 – RELATING TO TECHNOLOGY.

TO THE HONORABLE GLENN WAKAI AND THE HONORABLE CLARENCE K.
NISHIHARA, CHAIRS, AND MEMBERS OF THE COMMITTEES:

My name is Ji Sook “Lisa” Kim, and I am the Cable Television Administrator at the Department of Commerce and Consumer Affairs (the “Department”). The Department appreciates the opportunity to provide comment on S.B. No. 1201, 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. However, the Department also recognizes that such streamlining must be balanced against the need to protect the health and safety of the public, the need to control visual impacts in the community, and the need to collect appropriate and reasonable fees necessary to maintain state infrastructures and rights-of-way. For this reason, the Department believes that S.B. No. 913 provides a better approach by providing the appropriate balance between permit streamlining to expedite the deployment of small wireless facilities and mechanisms to protect public health and safety, and to consider community aesthetics. Accordingly, the Department recommends that S.B. No. 913, which has been vetted for these purposes, be adopted in place of S.B. No. 1201.

More specifically, the Department's primary concerns with S.B. No. 1201 are as follows:

1. S.B. No. 1201, at page 2, line 16, to page 6, line 6, appears to provide providers of small wireless facilities and small wireless facilities networks an **absolute right** to place equipment on state utility poles, structures, and light standards, subject only to a denial of their application, as provided at page 4, lines 5 - 9, "if the application does not meet applicable laws or rules regarding construction in the public rights-of-way or building or electrical codes or standards; provided that codes and standards are of general applicability." The Department questions whether it is appropriate to grant such a broad right to place equipment on all state utility poles and light standards, and particularly on all state structures, subject only to construction and building rules, codes and standards. No other types of communications infrastructure or other types of communications providers are granted such a right. The Department defers to those agencies responsible for the management of the State's property assets any further comment regarding the physical, visual, and other impacts the grant of such a right may have on State assets.

The Department supports streamlining regulatory processes, including concepts such as batch permitting. However, S.B. No. 1201 at page 4, lines 13 - 21, provides that an "applicant for a small wireless facilities network involving no greater than twenty-five individual small wireless facilities of a substantially similar design shall be permitted, upon request by the applicant, to file a consolidated application and receive a single permit for the installation, construction, maintenance, and repair of a small wireless facilities network instead of filing separate applications for each individual small wireless facility." This **affirmative right by request** of the applicant to have review and approval of up to twenty-five small wireless facilities where they are of "substantially similar design" does not appear to appropriately safeguard the interests of the public and the state.

In contrast, S.B. No. 913 also provides for batch permitting of facilities that are "substantially the same" or smaller, but instead provides the permitting agency the discretion to waive additional permit requirements, thereby allowing the agency to consider "other impacts of the attachment" to state property and to the community. See S.B. No. 913 at page 8, lines 5 - 12. For example, in addition to the size, weight, and height of each attachment, an agency may also consider additional health, safety, and other impacts, such as increases in radio frequency or electromagnetic emissions; increases in electrical consumption; increases in wind loading; interference with other wireless networks; changes in height or location on structures, utility poles, and light standards; possible damage to structures; and visual impacts. These same factors should be considered for replacement facilities and networks because similarly sized facilities may in fact create these different impacts. See S.B. No. 1201 at subsection (f) at p. 6, lines 1 - 6.

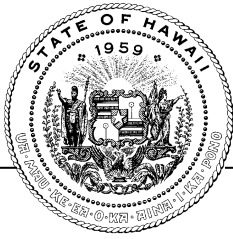
2. S.B. No. 1201, at page 5, lines 11 - 21, sets the rate the State can charge annually for the collocation of small wireless facilities and small wireless facilities networks on state structures at the lesser of (a) the amount charged for utility pole collocation under the Federal Communications Commission (FCC) rate for pole attachments; (b) the projected cost to the State resulting from collocation; or (c) \$500 annually. The language of S.B. No. 1201 is unclear as to whether the charge set is for each attachment, each wireless facility (that includes an antenna and other wireless equipment), or for a wireless facilities network, which may include multiple antennas, fixtures, and structures.

The Department recommends that the fee be set using the FCC rate formula for telecommunications pole attachments in 47 C.F.R. § 1.1409(e)(2), and that it be clearly applied to each small wireless facility attachment. However, because the FCC is currently reviewing small wireless facilities siting, including fair and reasonable compensation for wireless facilities attachments (docket DA16-1427), the Department suggests amendment of the language in S.B. No. 913 to address possible FCC rulemaking on this issue. For example, the language in S.B. No. 913 at page 4, lines 15 - 20, could be amended to provide the charge for attachments to state structures, utility poles, and light standards as follows:

The annual recurring rate to collocate a small wireless facility on state structures, utility poles, and light standards 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 shall adopt a rate formula for small wireless facility attachments, such rate formula shall apply.

The Department supports permit streamlining that expedites broadband infrastructure deployment while creating and protecting an even playing field for the various technologies and providers who offer, or seek to offer, communications services in the State. The Department believes that S.B. No. 913, together with the shot-clock law under Section 46-89, Hawaii Revised Statutes, provides a balanced approach by creating a streamlined process for small wireless facilities and networks that also includes reasonable fees and appropriate review processes to consider the impacts of the deployment of small wireless facilities for those agencies responsible for safeguarding the public, the State's property and facilities, and the nature and quality of our community. Accordingly, the Department instead recommends that the language of S.B. No. 913, with the additional amendment set forth above, be adopted in place of S.B. No. 1201.

Thank you for the opportunity to testify on this bill.



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DIRECTOR
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Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
**SENATE COMMITTEES ON ECONOMIC DEVELOPMENT, TOURISM, AND
TECHNOLOGY, AND PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS**

Friday, February 3, 2017

1:20 PM

State Capitol, Conference Room 414

in consideration of
SB 1201
RELATING TO TECHNOLOGY

Chairs Wakai and Nishihara, Vice Chairs Taniguchi and Wakai, and Members of the Senate Committees on Economic Development, Tourism, and Technology, and Public Safety, Intergovernmental, and Military Affairs.

The Office of Planning (OP) strongly supports SB 1201. 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.

SB 1201 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 prohibiting the State from prohibiting, regulating, or charging for the co-location of small wireless facilities or small wireless facilities networks except as provided in Section 2; as proposed; amends HRS Section 27-41.1 to include six (6) new definitions; and amends HRS Chapter 46-4 establishing a process for county rules and classifications regarding co-location of small wireless facilities and small wireless facilities networks.

OP finds that SB 1201 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 Section 226-4(1)).

Thank you for the opportunity to testify on this measure.

**Testimony of Mobilitie, LLC
IN SUPPORT OF SB 1201, Relating to Technology
Before the Senate Economic Development, Tourism, and Technology Committee, and Senate Public
Safety, Intergovernmental, and Military Affairs Committee
Friday, February 3, 2017 1:20 pm
Conference Room 414, State Capitol
RE: Senate Bill 1201**

Chair Wakai, Vice Chair Taniguchi, Members of the Economic Development, Tourism, and Technology Committee, & Chair Nishihara, Vice Chair Wakai, and Members of the Public Safety, Intergovernmental, and Military Affairs Committee:

Mobilitie supports SB 1201, which helps to facilitate the siting of small wireless facilities and networks; specifies certain sites where small wireless facilities or small wireless facilities networks may be located, including conditions and maximum fees for location and co-locations; and establishes an application process for co-location.

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. Currently in Hawaii, Mobilitie is authorized by the Public Utilities Commission to provide telecommunications services under its' Certificate of Authority.

SB 1201 is much needed legislation that facilitates the deployment of high-speed broadband infrastructure in Hawaii. SB 1201 facilitates the permitting process through bulk submissions, consistent process for approval or denial, and set, non-discriminatory, rate structures consistent with the Federal Communications Commission. This enables the industry to efficiently and rapidly deploy much needed broadband infrastructure. These small wireless facilities will help densify the current network in order to sustain the data capacity needs of 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 committees to support SB 1201.

Thank you for the opportunity to testify.



Bob Bass
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February 3, 2017

Honorable Glenn Wakai
Chair, Senate Committee on Economic Development, Tourism and Technology
Hawaii State Capitol
Room 216
Honolulu, HI 96813

Honorable Brian T. Taniguchi
Vice Chair, Senate Committee on Economic Development, Tourism and Technology
Hawaii State Capitol
Room 219
Honolulu, HI 96813

RE: Support Senate Bill 1201 – Small Wireless Facility Deployment

Committee Chair Wakai and Vice Chair Taniguchi:

On behalf of AT&T, please accept this letter of support for Senate Bill 1201 – Small Wireless Facility Deployment -- a bill that will promote the installation of small cell wireless facilities to improve wireless networks.

Consumers and businesses are using their mobile devices more than ever before 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 by deploying small cell technology.

Senate Bill 1201 will give the framework for wireless to access to the rights-of-way for a reasonable fee, have applications reviewed with a fair and predictable process, while preserving the local government's ability to deny an application based on building, safety, or electrical codes or standards.

Please support Senate Bill 1201.

Respectfully submitted,

Bob Bass
AT&T



February 2, 2017

Honorable Glenn Wakai
Chair, Senate Committee on Economic Development, Tourism and Technology
Hawaii State Capitol
Room 216
Honolulu, HI 96813

Honorable Brian T. Taniguchi
Vice Chair, Senate Committee on Economic Development, Tourism and Technology
Hawaii State Capitol
Room 219
Honolulu, HI 96813

RE: Support Senate Bill 1201 – Small Wireless Facility Deployment

Dear Chair Wakai and Vice Chair Taniguchi:

On behalf of CTIA, the trade association for the wireless communications industry, I am writing in support of Senate Bill 1201, 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, 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. Senate Bill 1201 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 create 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.

Senate Bill 1201 helps to remove barriers to efficient deployment of small cell wireless infrastructure. Senate Bill 1201 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. Senate Bill 1201 makes small cells on existing infrastructure a "permitted use" and not subject to discretionary review like larger "macro" towers. Finally, Senate Bill 1201 also allows for consolidation of substantially similar small cell applications, to minimize administrative impacts while improving efficiency.

Further, Senate Bill 1201 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 often come with uncertain prices or terms that curb investment in wireless infrastructure. Senate Bill 1201 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 Senate Bill 1201 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. Senate Bill 1201 would send such a signal that Hawaii is ready for investment.

Thank you for the opportunity to submit testimony in support of Senate Bill 1201 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



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February 1, 2017

Honorable Glenn Wakai
Chair, Senate Committee on Economic Development, Tourism and Technology
Hawaii State Capitol
Room 216
Honolulu, HI 96813

Honorable Brian T. Taniguchi
Vice Chair, Senate Committee on Economic Development, Tourism and Technology
Hawaii State Capitol
Room 219
Honolulu, HI 96813

RE: SB 1201: SUPPORT – Small Wireless Facility Deployment

Dear Chair Ohno and Vice Chair Choy,

On behalf of Sprint, I am pleased to advise you of our Support for Senate Bill 1201, related to the deployment of small wireless facilities. Senate Bill 1201 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. Senate Bill 1201 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 Senate Bill 1201 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. Senate Bill 1201 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.



Senate Bill 1201 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 Senate Bill 1201. Please contact me should you have any questions or require additional information.

Very truly yours,

Brenda M. Palomino
State Government Affairs Manager, Western Region

SB 1201

RELATING TO TECHNOLOGY

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

February 3, 2017

Chairs Wakai and Nishihara and members of your respective committees:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom on SB 1201 - Relating to Technology.

Hawaiian Telcom opposes SB 1201. This measure circumvents the provisions of Act 151, Session Laws of Hawaii 2011 by creating in Chapter 27, Hawaii Revised Statutes, a separate regulatory framework exclusively for wireless broadband facilities.

Enactment of Act 151 was the result of a yearlong collaborative process, under the auspices of the State Broadband Task Force, involving state, county and private sector stakeholders. Passage of HB 625 is contrary to the spirit and intent of the Task Force process which involved working with numerous parties to create uniform, fair and equitable legislation for the purpose of advancing broadband deployment. Creating a dual process (wireline versus wireless) involving Act 51 and Chapter 27 will only add more bureaucracy, confusion and unfairness to what exists today.

Based on the aforementioned, Hawaiian Telcom requests that this measure be held. Thank you for the opportunity to testify.

**Testimony before the Senate Committees on
Economic Development, Tourism, and Technology
and
Public Safety, Intergovernmental, and Military Affairs**

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

**Friday, February 3, 2017
1:20 p.m., Conference Room 414**

**Senate Bill 1201
Relating to Technology**

Chairs Wakai & Nishihara, Vice Chairs Taniguchi & Wakai, 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 SB 1201.

While we support and encourage the deployment of high-speed broadband infrastructure in Hawaii, and, as an active participant in, 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 as a result of our interpretation of SB 1201 as written:

1. The proposed amendment to Chapter 27, Hawaii Revised Statutes, described in SECTION 2, page 3, line 12 states: **“(c) Wireless providers shall have the right to place small wireless facilities on state utility poles, state structures, and light standards.”** The proposed amendment to Section 27-41.1 Hawaii Revised Statutes, described in SECTION 3, page 7, line 20 defines: **“Utility pole”** as **“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.”** Because the Hawaiian Electric Companies also owns and uses poles in the transmission and distribution of electrical service to its customers, it is unclear if the reference to **“state utility poles”** is poles solely owned by the State or jointly owned by the State and other entities such as the Hawaiian Electric Companies. If

the Hawaiian Electric Companies are joint owners on said poles with the State, then any entity installing small wireless facilities on said poles shall also comply with HAR 6-73, which provides for Hawaii Public Utilities Commission requirements for safe and prudent standards for the installation, operation, and maintenance of overhead and underground electrical and communication lines. If the reference to **“state utility poles”** is poles solely owned by the State, we propose Chapter 27, Hawaii Revised Statutes, described in SECTION 2, page 3, line 12 be amended to read: **“(c) Wireless providers shall have the right to place small wireless facilities on state solely owned utility poles, state structures, and light standards.”**

2. The proposed amendment to Chapter 27, Hawaii Revised Statutes, described in SECTION 2, page 5, line 1 states: **“(d) A wireless provider or a wireless provider’s licensed contractor may co-locate small wireless facilities and small wireless facilities networks on state structures, state utility poles, and light standards located within the land identified in subsection (a)(1), subject to reasonable rates, terms, and conditions.”** It is unclear if the reference to **“state utility poles”** is poles solely owned by the State or jointly owned by the State and other entities such as the Hawaiian Electric Companies. If the Hawaiian Electric Companies are joint owners on said poles with the State, then any entity installing small wireless facilities or small wireless facilities networks on said poles shall also comply with HAR 6-73. If the reference to **“state utility poles”** is poles solely owned by the State, we propose Chapter 27, Hawaii Revised Statutes, described in SECTION 2, page 5, line 1 be amended to read: **“(d) A wireless provider or a wireless provider’s licensed contractor may co-locate small wireless facilities and small wireless facilities networks on state structures, state solely owned utility poles, and light standards located within the land identified in subsection (a)(1), subject to reasonable rates, terms, and conditions.”**
3. The proposed amendment to Section 46-4, Hawaii Revised Statutes, described in SECTION 4, page 15, line 6 states: **“(3) Wireless providers shall have the right to place small wireless facilities on county-owned utility poles, structures, and light standards, as defined in section 27-41.1.”** It is unclear if the reference to **“county-owned utility poles”** is poles solely owned by the county or jointly owned by the county and other entities such as the Hawaiian Electric Companies. If the Hawaiian Electric Companies are joint owners on said poles with the county, then any entity installing small wireless facilities on said poles shall also comply with HAR 6-73. If the reference to **“county-owned utility poles”** is poles solely owned by the county, we propose Section

46-4, Hawaii Revised Statutes, described in SECTION 4, page 15, line 6 be amended to read: ***“(3) Wireless providers shall have the right to place small wireless facilities on county solely owned utility poles, structures, and light standards, as defined in section 27-41.1.”***

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

Thank you for the opportunity to testify on this matter.