

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO CABLE TELEVISION.

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

1           SECTION 1. The legislature finds that access to television  
2 service is critical in today's current events-driven world, and  
3 a lack of access to this service places a unique burden and  
4 hardship upon the residents of the State.

5           Additionally, the legislature finds that requiring cable  
6 operators to offer cable service in areas that have twenty-five  
7 homes in a linear mile provides residents in these areas with  
8 the access necessary to sustain the needs and uses of those  
9 residents.

10           The legislature further finds that due to the proliferation  
11 of providers offering the same types of services, this  
12 requirement should not apply where cable service is already  
13 available from another provider.

14           The purpose of this Act is to:

15           (1) Remove the requirement that the director of commerce  
16           and consumer affairs take into account the geography  
17           and topography of a proposed service area, and the



1 present, planned, and potential expansion in  
2 facilities or cable services of an applicant's  
3 proposed cable system and existing cable systems; and  
4 (2) Require a cable operator to make available cable  
5 services in areas that have twenty-five homes per  
6 linear mile of the cable operator's distribution plant  
7 unless another cable operator or any other  
8 multichannel video programming distributor already  
9 provides cable services in those areas.

10 SECTION 2. Section 440G-8, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§440G-8 Issuance of cable franchise authority; criteria;**  
13 **content.** (a) The director is empowered to issue a cable  
14 franchise to construct or operate facilities for a cable system  
15 upon the terms and conditions provided in this chapter.

16 (b) The director, after a public hearing as provided in  
17 this chapter, shall issue a cable franchise to the applicant  
18 when the director is convinced that it is in the public interest  
19 to do so. In determining whether a cable franchise shall be  
20 issued, the director shall take into consideration, among other  
21 things, the content of the application or proposal, the public



1 need for the proposed service, the ability of the applicant to  
2 offer safe, adequate, and reliable service at a reasonable cost  
3 to the subscribers, the suitability of the applicant, the  
4 financial responsibility of the applicant, the technical and  
5 operational ability of the applicant to perform efficiently the  
6 service for which authority is requested, any objections arising  
7 from the public hearing, the cable advisory committee  
8 established by this chapter, or elsewhere, and any other matters  
9 as the director deems appropriate in the circumstances.

10 ~~[(c) In determining the area which is to be serviced by~~  
11 ~~the applicant, the director shall take into account the~~  
12 ~~geography and topography of the proposed service area, and the~~  
13 ~~present, planned, and potential expansion in facilities or cable~~  
14 ~~services of the applicant's proposed cable system and existing~~  
15 ~~cable systems.]~~

16 (c) In carrying out its duties under this section, the  
17 director shall require a cable operator to make cable service  
18 available to any residence within the cable operator's service  
19 area located in a portion of the area where there is a minimum  
20 density of at least twenty-five homes per linear mile of  
21 distribution plant, as measured from the cable operator's



1 closest technologically feasible tie-in point that is actively  
2 delivering cable service and excluding any residences already  
3 passed by the distribution plant; provided that the director  
4 shall not apply the service deployment requirement threshold  
5 authorized under this subsection, or any other service  
6 deployment threshold or line extension requirement set forth in  
7 a franchise in effect on the date of enactment of this  
8 subsection, in any portion of a cable operator's service area  
9 where service is available from another cable operator or any  
10 other multichannel video programming distributor, as defined in  
11 title 47 United States Code section 522(13), that owns or  
12 utilizes equipment in the public right of way, including but not  
13 limited to wireline infrastructure, to deliver video programming  
14 or any video programming service through a multichannel video  
15 programming distributor. Nothing in this section shall be  
16 construed to limit or restrict a cable operator's business  
17 discretion to serve any residence within its service area.

18 (d) In issuing a cable franchise under this chapter, the  
19 director is not restricted to approving or disapproving the  
20 application or proposal but may issue it for only partial  
21 exercise of the privilege sought or may attach to the exercise



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1 of the right granted by the cable franchise terms, limitations,  
2 and conditions which the director deems the public interest may  
3 require. The cable franchise shall be nonexclusive, shall  
4 include a description of the service area in which the cable  
5 system is to be constructed, extended, or operated and the  
6 approximate date on which the service is to commence and shall  
7 authorize the cable operator to provide service for a term of  
8 fifteen years."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 2432

**Report Title:**

Cable Television; Cable Operators; Required Cable Service; DCCA

**Description:**

Amends the factors the director of commerce and consumer affairs must consider when determining whether cable service should be made available upon a new application of a cable franchise. Requires that the director require cable operators to provide cable service to residences in their service area where there is a minimum density of at least twenty-five homes per linear mile, with certain exceptions.

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

