

JAN 21 2022

A BILL FOR AN ACT

RELATING TO BROADBAND EQUITY.

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

SECTION 1. Chapter 206R, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . BROADBAND SERVICE AND ELIGIBLE AREAS

§206R-A Data collection. (a) The office shall annually collect data concerning infrastructure deployment and broadband service in the State from communications service providers to develop mapping information. The office shall permit providers to submit data to the office at a level of detail that the office has deemed acceptable. For mapping data, the office, whenever possible, shall require the use data formats consistent with data formats used for mapping at the federal level. The data collected shall include:

(1) Address level data that includes the technology and maximum speeds available;

(2) A map that depicts the extent of broadband service provided by the communication service provider and



1 delineates the availability of different service
2 speeds, including:

3 (A) Areas where download speeds of at least twenty-
4 five megabits per second and upload speeds of at
5 least three megabits per second are available;

6 (B) Areas where download speeds of at least fifty
7 megabits per second and upload speeds of at
8 least ten megabits per second are available;

9 (C) Areas where download speeds of at least one
10 hundred megabits per second and upload speeds
11 of at least twenty megabits per second upload
12 are available; and

13 (D) Anywhere download speeds of at least one hundred
14 megabits per second and upload speeds of at
15 least one hundred megabits per second or faster
16 are available; or

17 (3) Other information that indicates the extent of service
18 availability, the type of broadband service provided,
19 and actual delivered maximum service speeds and
20 latency for each geographic area as required by the
21 office.



1 (b) If a communications service provider does not provide
2 the office with the data set forth in subsection (a) within
3 three months of the annual request in the format requested, that
4 communication service provider will be ineligible for grant
5 funding authorized under this chapter for the current grant
6 period or until the data is provided, whichever comes first.

7 (c) Reports containing data set forth in subsection (a)
8 for the previous year are due within one month of filing the
9 required Federal Communications 477 data. Filings shall be made
10 via a secure electronic transmission.

11 (d) The office may request, and communications service
12 providers may voluntarily provide, additional information to
13 determine availability of broadband service in specific
14 geographic locations to assist in evaluating or developing
15 infrastructure grant proposals. Notwithstanding any other law,
16 any information collected pursuant to this subsection shall be
17 held as confidential by the office and may be used only for the
18 purposes set forth in this subsection.

19 §206R-B Performance standards; considerations. The office
20 shall determine performance standards for broadband service in
21 the State. In determining performance standards for broadband



1 service, the office must base its criteria on the state of the
2 market, the percentage of households with access to broadband
3 service within a county or other appropriate geographic area, as
4 well as the performance necessary to meet the current broadband
5 needs of the common applications and network services in use in
6 the State. To determine minimum performance criteria, the
7 office may consider:

8 (1) Minimum sustained bandwidth for both upstream and
9 downstream transmission in common applications and
10 network service;

11 (2) Maximum monthly throughput on a flat rate service
12 offering; and

13 (3) Any other performance criteria necessary for the use
14 of common applications and network services.

15 **§206R-C Unserved areas; Underserved areas; considerations.**

16 (a) In determining an unserved area, the office shall consider
17 the data collected pursuant to section 206R-A, the percentage of
18 households with access of broadband service within a county or
19 other appropriate geographic area, as well as other data sources
20 that the office deems credible and appropriate to help make this



1 determination. In designating an unserved area, the office must
2 find that the area:

3 (1) Is not larger than a United States census block, as
4 determined in accordance with the most recent United
5 States census;

6 (2) Is identified on the broadband infrastructure and
7 service map developed pursuant to section 206R-D; and

8 (3) Where broadband internet access service with download
9 speeds of at least twenty-five megabits per second and
10 upload speeds of at least three megabits per second is
11 not available from at least one broadband Internet
12 service provider.

13 (b) In determining an underserved area, the office shall
14 consider the data collected pursuant to section 206R-A, the
15 percentage of households with access of broadband service within
16 a county or other appropriate geographic area, as well as other
17 data sources that the office deems credible and appropriate to
18 help make this determination. In designating an underserved
19 area, the office shall find that the area has broadband service
20 with download speeds greater than fifty megabits per second and
21 upload speeds greater than ten megabits per second, but less



1 than download speeds of one hundred megabits per second and
2 upload speeds less than than one hundred megabits per second,
3 pursuant to the performance standards under section 206R-B. An
4 area that is designated underserved is eligible for a grant
5 funding authorized under this chapter.

6 §206R-D Broadband infrastructure and service map;
7 opportunity for review. (a) The office shall publish a
8 publicly available web-based map that identifies geographic
9 areas based on the most recent infrastructure deployment and
10 broadband service data submitted under section 206R-A or other
11 credible sources used by the office.

12 (b) The office shall allow thirty days for data to be
13 submitted from any existing communications service providers,
14 applicants for grant funding authorized under this chapter, or
15 other credible data sources used by the office to confirm the
16 availability, or lack thereof, of broadband service. The office
17 may allow this additional data to be provided biannually."

18 SECTION 2. Chapter 206R, Hawaii Revised Statutes, is
19 amended by designating sections 206R-1 through 206R-8 as part I,
20 entitled "General Provisions".



SECTION 3. Section 206R-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"Common applications and network services" means the ability to deliver commonly used applications for consumer use over a network. "Common applications and network services" may include:

(1) Real-time, synchronous voice and video communication, including video conferencing used in remote learning, telehealth, and remote working;

(2) Audio and video streaming;

(3) Network and cloud-based applications; including office productivity tools, ecommerce, and government services;

(4) Network file and data storage, sharing, retrieval, visualization, and search;

(5) E-Sports, interactive gaming, and other recreational use;

(6) Home and business automation, security, and telemetry; and



(7) Any other application or network service that facilitates communication, and information exchange for the purposes of education, business use, telemedicine and other economic purposes.

"Communications service provider" shall have the same meaning as in section 206N-2.

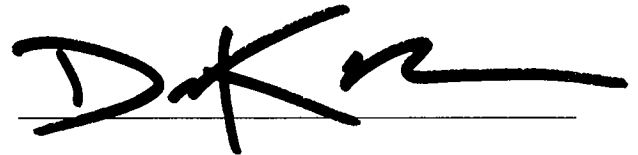
"Office" means the Hawaii broadband and digital equity office."

SECTION 4. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:



S.B. NO. 2086

Report Title:

Broadband Equity; Hawaii Broadband and Digital Equity Office; Broadband Infrastructure Deployment; Broadband Service; Data Collection; Performance Standards; Unserved Areas; Underserved Areas; Broadband Infrastructure and Service Map

Description:

Requires the Hawaii Broadband and Digital Equity Office to: (1) collect certain data from communications service providers, (2) determine performance standards for broadband service in the State, and (3) publish a publicly available web-based broadband infrastructure and service map that identifies geographic areas based on the data collected. Establishes the criteria for the Hawaii Broadband and Digital Equity Office to consider in determining and designating unserved and underserved areas.

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

