

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 17, 2022

The Honorable Representative Aaron Ling Johanson, Chair
House Committee on Consumer Protection & Commerce
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Johanson and Committee Members:

SUBJECT: HB2397 HD1 Relating to Broadband

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB2397 HD1** establishes the Hawaii broadband infrastructure authority and defines broadband equity within the Hawaii broadband and digital equity office.

COVID has shown that our communities, especially our most vulnerable, must turn more and more to internet-based support. Some of these supports come in the form of telehealth appointments and Zoom-based communication. COVID proved that many individuals within our intellectual and developmental disability community are part of a high-risk group that needs to rely on staying at home and using internet services more than the average citizen. Many of our community members live in rural areas of our State and do not have easy broadband access. These individuals found themselves without internet and many times without any form of support during the pandemic.

As we continue to make strides in technology, more and more technology is invented that helps individuals with intellectual/developmental disabilities (I/DD) live more independently. However, we find that having broadband access is key for most new technologies that rely on wi-fi to function. Time is of the essence, and it appears that allowing the electric utilities to own, operate, lease, plan, construct, install, maintain, and/or replace broadband facilities will be the quickest and most efficient way to bring broadband facilities and services to our vulnerable population throughout State.

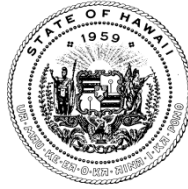
Thank you for the opportunity to submit testimony in **support of HB2397 HD1**.

HB2397 Relating to Broadband
February 2, 2022
Page 2 of 2

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus". The signature is written in a cursive style with a blue ink color.

Daintry Bartoldus
Executive Administrator



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASH
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

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

February 17, 2022
2:00 P.M.
State Capitol, Teleconference

H.B. 2397, HD 1
RELATING TO BROADBAND

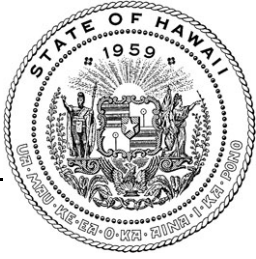
House Committee on Consumer Protection and Commerce

The Department of Transportation (DOT) provides **comments** on this measure that establishes the Hawaii Broadband Infrastructure Authority.

The department supports achieving digital equity and a resilient digital economy through the build out of broadband infrastructure across all islands. Effective coordination of state efforts is critically important and will ensure we are efficient, agile, responsive, and successful. In reviewing the proposed make up of members on the authority board, we respectfully request your committee's consideration of the inclusion of member with expertise in infrastructure development, construction, and large-scale capital improvement projects.

While the DOT defers to the Department of Commerce and Consumer Affairs (DCCA) on the feasibility of establishing the Hawaii Broadband Infrastructure Authority, we request your consideration of the inclusion of the Director of the DOT as an ex officio member of the board. There is a general expectation that transportation infrastructure should and could be used for the backbone of the broadband infrastructure. To that end, inclusion of the DOT in the authority board will facilitate discussions in the earliest phases for projects involving transportation infrastructure.

Thank you for the opportunity to provide testimony.



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

DAVID Y. IGE
GOVERNOR
MIKE MCCARTNEY
DIRECTOR
CHUNG I. CHANG
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
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Statement of
MIKE MCCARTNEY
Director

Department of Business, Economic Development, and Tourism
before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Thursday, February 17, 2022
2:00 PM

State Capitol, Conference Room 329

In consideration of

HB2397 HD1

RELATING TO BROADBAND.

Chair Johanson, Vice Chair Kitagawa, and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) offers comments on HB2397 HD1 that establishes the Hawai'i Broadband Authority.

Over the course of the last two years, the COVID-19 pandemic has spotlighted the need for broadband infrastructure and digital equity for all of Hawai'i's residents and the federal government has identified the need to build robust broadband infrastructure and to fund digital equity programs across the country.

For Part II, DBEDT defers to DCCA on the specific provisions of the bill.

For Part III, DBEDT suggests the following amendment to line (5) to read: To establish a grantmaking authority to administer and coordinate federal and state grant programs in support of digital equity and the digital economy, subject to rulemaking and exempt from chapters 42F and 103D.

Thank you for the opportunity to submit this testimony.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
ON
HOUSE BILL NO. 2397, H.D. 1

February 17, 2022
2:00 p.m.
Room 329 and Videoconference

RELATING TO BROADBAND

The Department of Budget and Finance (B&F) offers comments on Parts II and IV of this bill, which creates a new Broadband Authority (BA) administratively attached to the Department of Commerce and Consumer Affairs (DCCA), and appropriates an unspecified amount of federal funds for broadband infrastructure and expansion of broadband access to DCCA. B&F defers to the Department of Business, Economic Development and Tourism on Part III, which amends Sections 206S-1 and 206S-3, HRS, which relates to the Hawai'i Broadband and Digital Equity Office.

B&F suggests that it would be premature to establish a new BA and appropriate federal funds to this new Authority at this time. The Federal Broadband Equity, Access and Deployment, and State Digital Equity Planning and Capacity Grant programs are still being developed by the National Telecommunications and Information Administration at the U.S Department of Commerce, which has not yet issued firm guidance on what the allowable uses of these funds will be.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

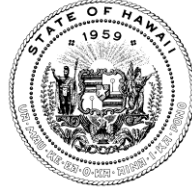
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for the opportunity to provide testimony.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Thursday, February 17, 2022
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 2397 H.D.1, RELATING TO BROADBAND**

Chair Johanson and Members of the Committee:

My name is Catherine P. Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department offers comments on this bill.

The purpose of this bill is to ensure that the State takes full advantage of available funds to build broadband infrastructure necessary to sustain interconnectivity throughout the islands by (1) establishing the Hawaii Broadband Infrastructure Authority (Authority), to be administratively attached to the Department; (2) defining broadband equity with the Hawaii broadband and digital equity office, and (3) appropriating federal funds in fiscal year 2022-2023 to the Department.

The Department believes strongly in the importance of a resilient broadband infrastructure throughout the state, to provide critical connectivity for among other things, telehealth, telework, and remote learning. The Department notes, however, that the creation of the Authority may be premature at this time given that the relevant grant

programs are still being developed and guidance on what the allowable uses of these funds will be has not yet been issued.

The Department also notes that the bill as drafted will require a significant commitment of personnel and funds. Although the bill on page 19 lines 6 to 13 provides for a one-time appropriation of federal funds to be received by the State, it is unclear whether the funds will in fact be available, how long the funding will be available, and what the funds may be used for. Also, the bill does not provide for the establishment of positions that would be needed to support the new Authority. Finally, the Department suggests that the bill clearly indicate that the establishment of the Authority is conditioned on the timely availability of federal funds that can be used for the purposes set forth in the bill.

Thank you for the opportunity to testify on this bill.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Consumer Protection & Commerce

From: Cheryl Kakazu Park, Director

Date: February 17, 2022, 2:00 p.m.
State Capitol, Conference Room 329 and Via Videoconference

Re: Testimony on H.B. No. 2397, H.D. 1
Relating to Broadband

Thank you for the opportunity to submit testimony on this bill, which would establish a Hawaii Broadband Infrastructure Authority. The Office of Information Practices (OIP) had submitted testimony proposing amendments to this bill as introduced. OIP's suggested amendments were made by the Committee on Higher Education & Technology and OIP has no further concerns regarding this bill.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection and Commerce
Thursday, February 17, 2022 at 2:00 p.m.

By

Garret T. Yoshimi, Vice President for Information Technology/Chief Information Officer
University of Hawai'i System

HB 2397 HD1 – RELATING TO BROADBAND

Chair Johanson, Vice Chair Kitagawa and members of the committee:

The University of Hawai'i, representing the State's broadband interests, provides the following comments on HB 2397 HD1.

HB 2397 HD1 creates a state broadband infrastructure authority, and provides for clarification of the role of the state broadband office within DBEDT to focus on critical elements of digital equity and literacy necessary to maximize benefits of investment in broadband infrastructure. Creation of a state broadband infrastructure authority, administratively attached to DCCA, might provide a useful vehicle for the ownership and governance of the assets and facilities to be constructed and acquired with the anticipated influx of public funds. It appears that the authority would need to rely on revenue resulting from the collection of managed assets in order to support its staffing and operations, that would otherwise be needed to support ongoing maintenance and operations of those assets. The rules and processes to support the expected Federal formula and competitive funds remain unclear, and are likely to be issued over the second half of calendar 2022.

Planning for the ideal use of the expected Federal funds is underway, and we expect that we will align projects and outcomes with those funds as the programs controlling the funds issue rules and create the mechanisms to expend the funds. Part of the planning effort is to address the governance and sustainability of the efforts to be implemented; we expect to be able to provide specific inputs and recommendations once the rules are clear and plans come together later this year. Financial sustainability of the investments is critical to ensure sufficient support of operations, maintenance and the eventual renewal of critical broadband assets.

Thank you for the opportunity to provide comments on HB 2397 HD1.



February 16, 2022

The Honorable Aaron Ling Johanson
Chair, House Committee on Consumer Protection and Commerce
Hawaii State Capitol, Room 436 Honolulu, HI 96813

The Honorable Lisa Kitagawa
Vice Chair, House Committee on Consumer Protection and Commerce
Hawaii State Capitol, Room 315 Honolulu, HI 96813

RE: HB 2397 Oppose Unless Amended – Relating to Broadband

Dear Chair Johanson and Vice Chair Kitagawa:

Verizon is pleased to be a partner with State and local authorities in building out broadband infrastructure in Hawaii, and bringing state-of-the-art technology to local jurisdictions, including the deployment of 5G.

While we support the broad goals related to this legislation in expanding access to broadband, we recommend amending the bill to ensure that it does not overreach and is reasonable in scope. As currently drafted, therefore, our position is to “oppose unless amended.” Specifically, we believe that Section 13 of the bill, which focuses on the “collection of data,” overreaches and seeks to grant the unnecessary authority to compel private telecommunications providers to make available proprietary information that does not advance the goals for broadband deployment, but potentially puts businesses at risk.

Section 13 appears very broad in its application directed at “communications service providers and any wireless providers that own or operate advanced communications technology infrastructure in the State concerning infrastructure deployment and costs, revenues, and subscribership.” As the wireless industry association, CTIA, also notes in its testimony, in 2021, major providers AT&T, T-Mobile, Verizon, and US Cellular voluntarily made available new 4G LTE mobile broadband maps to the State. It is therefore unnecessary and counterproductive to seek to compel mapping information through a statutory requirement.

Verizon believes that the State’s broadband goals are best served through cooperative engagement, and telecom providers have demonstrated a willingness to work with State and local officials on siting and deployment of technology, and regularly participate in the Department of Business, Economic Development, and Tourism’s (DBEDT) Broadband Hui discussions.

We urge the continued approach of a Public-Private cooperative relationship in the pursuit of broadband objectives that serve the public interest, rather than seeking to compel an outcome

through unnecessary regulatory intrusion. We ask that Section 13 be struck from the bill as originally drafted, and replaced with language encouraging cooperation among private participants and public authorities.

Sincerely,

Michael Bagley
Executive Director for Government Affairs

February 16, 2022

House Committee on Consumer Protection & Commerce
Hearing Date: Thursday, February 17, 2022, 2:00pm

Honorable Representatives

**Aaron Ling Johanson, Chair; Lisa Kitagawa, Vice Chair; and Members of the House
Committee on Consumer Protection & Commerce**

Subject: HB 2397, HD1 Relating to Broadband

TESTIMONY IN SUPPORT

Aloha Chair Johanson, Vice Chair Kitagawa, and Committee Members:

Ocean Networks, Inc. has supported the expansion of Broadband Services in the State of Hawaii for many years. As such we firmly support this bill.

ONI supports the intent of this bill which seeks to provide greater access to broadband services. The bill will enact steps and allocate funds to positively impact the expansion of access to advanced communications technology infrastructure. The bill also creates policy to expand digital connectivity, support digital equity and digital economy for all.

Thank you for this opportunity to submit testimony. Please feel free to contact me if you have any questions.

Sincerely,



Clifford Miyake
VP, Business Development
Ocean Networks, Inc.



February 16, 2022

The Honorable Aaron Ling Johanson
Chair, House Committee on Consumer Protection and Commerce
Hawaii State Capitol, Room 436
Honolulu, HI 96813

The Honorable Lisa Kitagawa
Vice Chair, House Committee on Consumer Protection and Commerce
Hawaii State Capitol, Room 315
Honolulu, HI 96813

RE: HB 2397 HD1 Oppose Unless Amended – Relating to Broadband

Dear Chair Johanson and Vice Chair Kitagawa,

On behalf of CTIA, the trade association for the wireless communications industry, I respectfully write in opposition unless amended regarding HB 2397 HD1, related to broadband. While we support the very laudable goal of bringing broadband to all the residents of Hawaii, we do have concerns with Part II, Broadband Infrastructure Authority, Section 12, “collection of data” as being duplicative of federal efforts currently underway.

Part II of HB 2397 HD1 creates the Hawaii Broadband Infrastructure Authority Act and Section 12 relates to the “collection of data.” While we understand amendments were made in the previous Committee, we still have concerns regarding the very broad data collection mandate directed at “communications service providers and any wireless providers that own or operate advanced communications technology infrastructure in the State concerning infrastructure deployment and costs, revenues, and subscribership.” While it appears this section may be addressing the availability of broadband mapping data, it is important to note that in summer 2021, AT&T, T-Mobile, Verizon, and UScellular voluntarily submitted new 4G LTE mobile broadband maps. These maps seem to satisfy the requirements of Part II, Section 12 of HB 2397 HD1 and they are publicly available for download.

In addition of note, new broadband mapping rules are currently being developed by the Federal Communications Commission (FCC) per the Broadband Deployment Accuracy and Technological Availability Act (the “DATA Act”) passed by the US Congress in March 2020.¹ The FCC’s new mapping rules implementing the DATA Act, known as the Broadband Data Collection (“BDC”), represent a complete overhaul of the collection and verification of mobile wireless coverage maps, consistent with Congress’s

¹ See Public Law 116-130, <https://www.congress.gov/116/plaws/publ130/PLAW-116publ130.pdf>, last accessed 2/16/2022.



intent. These forthcoming federal broadband maps also render Part II, Section 13 of HB 2397 HD1 unnecessary.

Finally, if the ultimate purposes of Part II, Section 12 relate to utilizing incoming federal broadband grant moneys, as mentioned in Part I and Part III of HB 2397 HD1, it is important to bear in mind that the recent enactment of the federal Infrastructure Investment and Jobs Act (IIJA) and its funding from the Broadband Equity, Access, and Deployment (“BEAD”) program, mandates that “unserved” and “underserved” locations eligible for grant funding be defined by reference to the FCC’s broadband DATA maps. Investment in Hawaii-level mapping will therefore not improve Hawaii’s grant applications and cannot bypass the role that federal mapping will play in determining Hawaii’s use of these broadband grants.

In closing, thank you for the opportunity to comment today. CTIA and our members support the goal of bringing broadband to all the residents of Hawaii. However, as drafted Part II, Section 12 of HB 2397 HD1 is unnecessary and duplicative of federal efforts. We welcome the opportunity to discuss our concerns further with the sponsor, key decision makers and interested stakeholders.

Sincerely,

Bethanne Cooley
Assistant Vice President
State Legislative Affairs



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hawaii State Capitol
Thursday, February 17, 2022

COMMENTS ON H.B. 2397 H.D. 1, RELATING TO BROADBAND

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee.

Thank you for the opportunity to provide comments on H.B. 2397 H.D. 1, a bill that would (1) establish the Hawaii Broadband Infrastructure Authority, (2) define broadband equity, and (3) designate additional responsibilities to the broadband and digital equity office.

As the largest broadband provider in the state, Charter supports efforts to promote digital equity and broadband access. However, there are aspects of H.B. 2397 H.D. 1 that require deeper review and may be problematic. The nature of broadband infrastructure deployment is an important and complicated issue, involving federal, state, and local agencies, as well as private entities. As the federal government is still finalizing the rules associated with the significant funding for broadband infrastructure, access, and adoption, Hawaii may want to consider waiting for additional clarity and guidance from the National Telecommunications and Information Administration before establishing a governing body on broadband.

Further, a Broadband Infrastructure Authority is best located within an economic development agency, such as the Department of Business, Economic Development, and Tourism (DBEDT), rather than a regulatory agency. DBEDT's mission to foster community development, high-quality living

environments and promote innovation sector job growth more closely matches the goals of this authority. Additionally, some broadband coordination and planning is already being conducted by DBEDT, including the state broadband infrastructure grant program, which was established in 2021.

The goals of the authority as laid out in the bill are goals that we share. Broadband should be universally available. And it should be built on infrastructure that can meet the needs of Hawaii today and tomorrow. As noted, we believe these goals are best aligned with an economic development agency rather than a regulatory body. This is why we also object to the language in the bill that would grant the authority the power to regulate broadband infrastructure. While this could make sense to the extent that infrastructure is publicly owned, it is unnecessary and counterproductive with respect to privately built networks. Private investment by Charter alone has already successfully brought gigabit broadband (1000 Mbps download speeds) to more than 400,000 homes and businesses in the state where Charter service is available. Unlike traditionally regulated utilities, broadband is a constantly evolving service that requires constant technological innovation to support the ever-changing array of applications and needs of consumers.

Charter believes that every Hawaii resident should have reliable access to the Internet ecosystem. We stand ready to help bring the benefits of broadband and access to the internet to those who need it most. In 2020 alone, Charter extended its network to reach an additional 14,000 homes and small businesses in Hawaii, investing more than \$87 million in the state. Additionally, Charter is pleased to now provide high-speed data services to beneficiaries living in the Hawaiian

Homelands following an announcement made earlier this month by DHHL, which allows homesteaders to obtain telecommunications services from a provider of their choice.

Charter is a member of DBEDT's weekly Broadband Hui to assist in strategic broadband planning and closing the Digital Divide. Additionally, Charter participated in the FCC's Emergency Broadband Benefit Program (EBB) and is now participating in the \$14.2 billion federal Affordable Connectivity Program (ACP). The EBB, and now the ACP, has helped connect over 18,000 eligible households in Hawaii with high-speed broadband during the ongoing COVID-19 pandemic. Broadband internet access is more important than ever and the newly adopted ACP offers a tremendous opportunity to help low-income families stay connected, providing eligible households a discount of up to \$30 per month toward broadband service and up to \$75 per month for households on the Hawaiian Homelands.

Charter looks forward to working with the legislature on this important issue.

Mahalo for the opportunity to testify.

Written Statement of
Jeannine Souki
Sr. Manager – Government & Regulatory Affairs

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 17, 2022 2:00 PM
State Capitol, Room 329 & Videoconference

COMMENTS FOR:

H.B. NO. 2397, HD1 RELATING TO BROADBAND SERVICE INFRASTRUCTURE

To: Chair Johanson, Vice-Chair Kitagawa, and Members of the Committees

Re: Testimony providing comments for HB 2397, HD1

Aloha Honorable Chair, Vice-Chair, and Committee Members:

Thank you for this opportunity to submit comments on House Bill 2397, HD1. The primary intent of this bill is to establish a Hawaii Broadband Infrastructure Authority, strengthen and clarify the Hawaii Broadband and Digital Equity Office's role, and appropriate funds for the establishment of the authority and broadband infrastructure across the state.

While we support the intent, Hawaiian Telcom has the following concerns with this measure:

1. **Adding a New Authority Will Take Considerable Time and Resources, and May Slow or Impede the Access and Deployment of Broadband in the State**

While there will be a temporary infusion of federal funds for broadband infrastructure that Hawaii needs to leverage this opportunity of public and private sector investments to address the digital divide, especially in the underserved and underserved areas. The private sector has and should continue to drive investment in broadband infrastructure so that consumers have competitive service offerings at affordable prices. The state can best assist by eliminating barriers and partnering with the private sector to go after grants. Public-private partnerships need to be encouraged to deploy broadband to unserved areas where there is no economic business case to justify an extension of service. In contrast, creating an authority will take considerable time and resources and may result in slowing private investment in broadband infrastructure, which is not in sync with the state's other efforts to address the digital divide, especially for students and those economically disadvantaged who currently do not have access to reliable and affordable broadband service.

2. It Is Premature and Duplicative of Federal Reporting Requirements to Add New State Requirements for Providers Sharing Broadband Mapping Data

We share the concerns raised by other communication service and wireless service providers that any state broadband mapping data reporting should follow the new federal broadband mapping rules, which the Federal Communications Commission (“FCC”) is currently updating. These new mapping rules comply with the Broadband Deployment Accuracy and Technological Availability (“DATA”) Act, passed by the U.S. Congress and became Public Law 116-130 on March 23, 2020. Additionally, we want to highlight that the new federal rules would be duplicative of the state’s current requirement under HRS 440J.

The FCC reports that once it implements the Broadband Data Collection program, slated for the latter part of 2022, its new maps will include additional layers and functions:

For fixed internet service, the maps will show – on a house-by-house, location-by-location basis – where broadband internet access service is available, meaning that it has a broadband connection or could be connected within 10 business days with a standard installation. The FCC will standardize location data through the use of a Broadband Serviceable Location Fabric, a common dataset of all structures in the United States where mass-market fixed broadband internet access service can be installed.

The Broadband Data Collection maps will also incorporate systems and processes for the validation and verification of provider-submitted data to improve their accuracy, as well as a user-friendly challenge process that will allow consumers, state, local, and Tribal governments, and other third parties, to dispute the information shown on the maps.¹

The FCC’s recently proposed rules would require broadband Internet service providers to publish consumer labels, similar to nutrition labels found on cereal boxes, disclosing information about service plans, including pricing, data allowances, and other information to help households compare pricing and services to fit their needs and budget.

3. Support for Updates to §206S-1 and 206S-3, Hawaii Revised Statutes

Hawaiian Telcom supports the provisions in Section 3 of this bill to clarify the definitions of “broadband equity” and “digital equity” and update the role of the Hawaii Broadband and Digital Equity Office. Further, we note that there are similar measures advancing this session to define “broadband equity” and clarify the duties of the Hawaii Broadband and Digital Equity Office, which would achieve the outcome as proposed in this section of the bill.

Hawaiian Telcom supports fair market competition and increased choices for broadband consumers. We also support policies that help meet digital equity needs, and promote the expansion of broadband infrastructure and services in unserved and underserved areas in the state.

¹ [Mobile Broadband Maps | Federal Communications Commission \(fcc.gov\)](https://www.fcc.gov/mobile-broadband-maps), accessed on February 8, 2022.

To avoid discrepancies that may arise as the federal government moves in parallel to implement new compliance requirements for broadband Internet service providers and vet the distribution of federal broadband funds authorized by the Infrastructure Act, we respectfully urge the committee to defer action on this bill so we can best align with the new federal requirements.

Thank you for the opportunity to submit these comments for House Bill 2397, HD1.



RYAN KAWAILANI OZAWA

P.O. Box 892727

Mililani, HI 96789-8332

Main: (808) 707-3027

Fax: (808) 427-9227



@hawaii A row of social media icons including Instagram, Twitter, YouTube, LinkedIn, Facebook, and others.

Email: hawaii@hey.com

February 15, 2022

Aloha, Rep. Aaron Ling Johanson, Chair; Rep. Lisa Kitagawa, Vice Chair; and members of the Committee on Consumer Protection & Commerce:

I am writing to share **comments** on HB2397 related to broadband.

I agree that equitable and robust access to broadband should remain a priority for our State. Further, I am glad that the Federal government is making significant investments in broadband across the country.

If, as this bill notes, the State "must act quickly to take advantage of various federal and private funds available," I do not believe the establishment of yet another layer of bureaucracy – including another "authority" with board members – is the solution.

Further, to place this body within the Hawaii broadband and digital equity office seems to diminish its value and scope.

This bill seeks to "strengthen and clarify the Hawaii broadband and digital equity office's role in the [sic] broadband access and digital equity," which is unsurprisingly circular. I would advocate a simpler solution.

Because the term "digital equity" also encompasses much more than this bill and existing office directly addresses, I recommend:

1. Renaming the office to the Hawaii State Broadband Office (similar to the Energy Office).
2. Assign equity-related issues to an existing or new statewide office focused on broader diversity and equity issues, perhaps in the Judiciary or another department.

Mahalo for your consideration.



Ryan Kawailani Ozawa

HB-2397-HD-1

Submitted on: 2/16/2022 10:35:01 AM

Testimony for CPC on 2/17/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sandie Wong	Individual	Support	Yes

Comments:

I am in support of HB2397, HD1 and echo the testimony of Ocean Networks. Thank you.