



## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

DAVID Y. IGE  
GOVERNOR

MIKE MCCARTNEY  
DIRECTOR

CHUNG I. CHANG  
DEPUTY DIRECTOR

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Statement of  
**MIKE MCCARTNEY**  
Director

Department of Business, Economic Development, and Tourism  
before the

**SENATE COMMITTEE ON GOVERNMENT OPERATION**

Thursday, February 10, 2022

3:05 PM

Video Conference

In consideration of

**SB2886**

**RELATING TO A BROADBAND EQUITY.**

Chair Moriwaki, Vice Chair Dela Cruz and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) **supports SB2886** that 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.

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 seen fit to build robust broadband infrastructure and to fund broadband equity and digital equity programs across the country.

In order to achieve the goals set forth by Federal programs like the Broadband Equity, Access and Deployment, high resolution location data are required to determine unserved and underserved areas throughout Hawai'i. The Broadband & Digital Equity Office can provide these services but will require resources and funding to deliver these data products.

Thank you for the opportunity to submit this testimony.

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 10, 2022

The Honorable Senator Sharon Y. Moriwaki, Chair  
Senate Committee on Government Operations  
The Thirty-First Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Senator Moriwaki and Committee Members:

**SUBJECT: SB2886 Relating to Broadband Equity**

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB2886**, which 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.

COVID has shown that our communities especially our most vulnerable must turn more and more to internet-based supports. 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 needed to rely on staying at home and using internet services more so than the average citizen. Many of our community members live in rural areas of our state and do not have easy access to broadband. These individuals found themselves without internet and many times without any form of support during the pandemic. As well, some of our community members are homeless and before COVID relied on public places that offered internet access. Due to COVID these establishments no longer wanted groups of people gathering at these locations and these individuals similarly found themselves with no way of access the internet to make their telehealth appointments.

As we continue to make strides in technology more and more technology is invented that helps individuals with disabilities live more independently. However, we find that having access to broadband is key for most of these new technologies that rely on wi-fi to function. These technologies can help a wide range of disabilities from individuals using a wheelchair to individuals that need behavioral therapy

SB2886 Relating to Broadband Equity  
February 10, 2022  
Page 2 of 2

or communication aide. These technologies will be critical for the disability community as they push for independence and enhancing their quality of lives.

Thank you for the opportunity to submit testimony in **support of SB2886**.

Sincerely,

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

Daintry Bartoldus  
Executive Administrator

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO  
DIRECTOR

JOANN A. VIDINHAR  
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**OFFICE OF COMMUNITY SERVICES**  
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IN REPLY, REFER TO:  
**OCS 22.1032**

February 8, 2022

To: The Honorable Sharon Y. Moriwaki, Chair,  
The Honorable Donovan M. Dela Cruz, Vice Chair, and  
Members of the Senate Committee on Government Operations

Date: Thursday, February 10, 2022

Time: 3:05 p.m.

Place: Via Videoconference

From: Jovanie Domingo Dela Cruz, Executive Director  
DLIR – Office of Community Services

A handwritten signature in black ink, appearing to read "Jovanie Domingo Dela Cruz", with a long, sweeping underline that extends to the right.

Position: Support

Re: S.B. 2886 – RELATING TO BROADBAND EQUITY

## **I. OVERVIEW OF PROPOSED LEGISLATION**

S.B. 2886 would amend Hawaii Revised Statutes Chapter 206R to add new sections that would require 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. The bill would also establish the criteria for the Hawaii Broadband and Digital Equity Office to consider in determining and designating unserved and underserved areas.

The data collection would come from communications service providers and would concern infrastructure deployment and broadband service throughout the State, and would result in mapping of service areas – and thereby would show areas where service is weak or non-existent.

A second proposed new section of Chapter 206R would direct the Office to establish performance standards for broadband service in the State. The proposed section then sets out criteria to be used in setting those standards.

A third proposed new section would address unserved and underserved areas. It would set criteria for designating areas as “unserved” or “underserved.” A fourth new section would require the Office to post the service map for public review and comment.

## **II. CURRENT LAW**

The Legislature has been making major strides in creating a statutory platform for broadband in just the past couple of years. The legislation covering broadband is located in several different HRS Chapters, including Chapter 206N, which creates the Wireless Broadband and Communications Networks; Chapter 206R, which creates the Broadband Infrastructure Grant Program as an activity of DBEDT; and Chapter 206S, which creates the Hawaii Broadband and Digital Equity Office in DBEDT. These various provisions build on a Broadband Task Force initially established by legislation back in 2007 and the 2020 Hawaii Broadband Strategic Plan.

## **III. COMMENTS ON THE PRESENT BILL**

OCS is an agency attached to the Department of Labor and Industrial Relations. We are pleased to support this bill. The people who would be assisted by this bill are members of the core constituency of OCS, which was created by the Legislature by Act 305, SLH 1985, codified as Hawaii Revised Statutes Chapter 371K.

The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii society.

S.B. 2886 intends to do just that, by focusing directly on identifying areas that are either unserved or underserved by broadband. For these reasons, OCS strongly supports structural, programmatic, and fiscal strengthening of Hawaii's efforts to improve broadband services to underserved people and geographic areas.

OCS would be pleased to assist in helping in any way that we reasonably can. Thank you very much for the opportunity to testify.

# 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: Senate Committee on Government Operations

From: Cheryl Kakazu Park, Director

Date: February 10, 2022, 3:05 p.m.  
State Capitol, Via Videoconference

Re: Testimony on S.B. No. 2886  
Relating to Broadband Equity

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Thank you for the opportunity to submit testimony on this bill, which would require the Hawaii Broadband and Digital Equity Office to, among other things, collect data from communications service providers. The Office of Information Practices (OIP) takes no position on the substance of this bill, but offers **comments and a proposed amendment** regarding a confidentiality provision for additional information voluntarily provided to the Office by communications service providers.

Proposed section 206R-A, HRS, requires the Broadband and Digital Equity Office to collect data on infrastructure deployment and broadband service from communications service providers, at a level of detail specified by the Office, to develop mapping information. Subsections (a) through (c) set out details of the mandatory data reporting by communications service providers to the Office. Those sections do not speak one way or the other as to the public's access to the reported data, but proposed section 206R-D, HRS, requires the Office to use the collected data to publish a web-based map of infrastructure deployment and broadband service by geographic area.

Subsection 206R-A(d), HRS, goes on to say that at the request of the Office, communications service providers may voluntarily provide additional data beyond what is mandated to assist in evaluating or developing infrastructure grant proposals, which information “shall be held as confidential by the office and may be used only for the purposes set forth in this subsection.” OIP does not object to treating information voluntarily provided in this way as confidential, but suggests **an amendment to clarify that the Office may still release aggregated data that includes information collected under that subsection, so long as it is not identifiable to a particular communications service provider. This would provide the Office the flexibility to include the voluntary information in its aggregated map of infrastructure deployment and broadband service while still protecting the voluntary information from disclosure at the granular and individually identifiable level.**

Specifically, OIP recommends adding a proviso to the end of subsection (d) at page 3, line 18, so that it ends:

**“... subsection; provided that the office may release aggregated data that includes information collected pursuant to this subsection so long as the information is not identifiable to an individual communications service provider.”**

Thank you for considering OIP’s testimony.



**Testimony to the Senate Committee on Government Operations  
Thursday, February 10, 2022; 3:05 p.m.  
Via Videoconference**

**RE: SENATE BILL NO. 2886, RELATING TO BROADBAND EQUITY.**

Chair San Moriwaki, Vice Chair Dela Cruz, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2886, RELATING TO BROADBAND EQUITY.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 160,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

The bill, as received by your Committee, would clarify the statutory responsibilities of the Hawaii Broadband and Digital Equity Office (Office). Among other things, this bill would:

- (1) Require the Office to collect data concerning infrastructure deployment and broadband service in the State from communications service providers;
- (2) Prohibit communication service providers from being eligible for grant funding if certain requested data is not received by the Office within a specified time period;
- (3) Require the Office to determine performance standards for broadband service in the State;
- (4) Specify the criteria to be used by the Office to determine unserved areas; and
- (5) Mandate the Office to publish a publicly available web-based map that identifies geographic areas based on the most recent infrastructure deployment and broadband service data.



**Testimony on Senate Bill No. 2886**  
**Thursday, February 10, 2022**  
**Page 2**

Hawaii has long been at the forefront of integrating newer technologies into daily life. One example of this is Hawaii's Telehealth Law which has served as a model across the United States. Yet, it was only after COVID struck our islands that this law became fully integrated into daily life.

Today, it is common practice to ZOOM or SKYPE with your health practitioner instead of physically going to the provider's office for a visit. When COVID first hit our islands, many health providers had to limit the number of patients that could be serviced in-person because of a scarcity of Personal Protective Equipment, restrictions in the gatherings of groups, and the need for changes to the physical arrangement of examination rooms and other diagnostic facilities.

For people with adequate broadband access, telehealth was a lifeline for the provision of essential primary health care services. Yet, health care facilities in rural areas experienced the same problems when COVID hit. They too had to limit the number of patients they could see. But because these communities lacked adequate broadband access, they were effectively cut off from primary care. Many were forced to bear their maladies until it became necessary to go to the emergency room.

Because of this, the HPCA views the lack of broadband access in rural areas as an issue of social equity. In this day and age, everyone should have equal access to health care. Telehealth was envisioned as the means of leveling the field between urban and rural areas. The lack of broadband ensures that urban and rural communities remain unequal.

To this end, we note that there is no appropriation attached to this bill, and that the Administration did not include as part of its supplemental budget request the positions and resources needed for this Office to effectively carry out the duties established under Chapter 206S, Hawaii Revised Statutes.

We also note that Hawaii's Congressional Delegation worked diligently to make billions of dollars available for the State of Hawaii to develop broadband infrastructure. It is our understanding that the Governor has assigned the responsibility of expending these funds to the University of Hawaii. Are the statutory responsibilities of the University of Hawaii too narrow to ensure that these federal funds will be expended to address the needs of rural communities?

This Legislature established the public policy that the strategic decisions on the development of broadband should be assigned to the Department of Business, Economic Development, and Tourism (DBEDT). Yet, to carry out this function, only a single person is assigned to administer this very important responsibility?

**Testimony on Senate Bill No. 2886**  
**Thursday, February 10, 2022**  
**Page 3**

Furthermore, it is our understanding that the availability of the federal funds is brief. Each year that is spent trying to figure out the agency that will manage these funds, the less time these funds can be used. A "once in a lifetime opportunity" will be lost.

For this reason, the HPCA wholeheartedly supports this bill and urges this Committee to include the resources the Office needs to perform these vital duties.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or [eabe@hawaiiipca.net](mailto:eabe@hawaiiipca.net).



February 9, 2022

The Honorable Sharon Y. Moriwaki  
Chair, Senate Committee on Government Operations  
Senate District 12  
Hawaii State Capitol, Room 223  
Honolulu, HI 96813

The Honorable Donovan M. Dela Cruz  
Vice Chair, Senate Committee on Government Operations  
Senate District 22  
Hawaii State Capitol, Room 208  
Honolulu, HI 96813

**RE: SB 2886 Oppose Unless Amended – Relating to Broadband Equity**

Dear Chair Moriwaki and Vice Chair Dela Cruz,

On behalf of CTIA, the trade association for the wireless communications industry, I respectfully write as oppose unless amended regarding SB 2886, relating to broadband equity. While we support the very laudable goal of bringing broadband to all the residents of Hawaii and understanding the locations of unserved and underserved areas throughout Hawaii, this legislation is unnecessary and duplicative of efforts already underway at the federal level.

Section 206R-A of SB 2886 relates to a broad data collection requirement and mandates that communications service providers annually provide detailed proprietary information related to broadband coverage and download and upload speeds. While we appreciate references to utilizing “data formats consistent with data formats used for mapping at the federal level,” duplicative state-level disclosure requirements, like SB 2886, do not alleviate our concerns.

It is noteworthy that in summer 2021, AT&T, T-Mobile, Verizon, and UScellular voluntarily submitted new 4G LTE mobile broadband maps. These maps satisfy the requirements of SB 2886 and they are publicly available for download.<sup>1</sup>

Furthermore, as noted in the language referencing mapping at the federal level in SB 2886, 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

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<sup>1</sup> See: <https://fcc.maps.arcgis.com/apps/webappviewer/index.html?id=6c1b2e73d9d749cdb7bc88a0d1bdd25b>, last accessed 2/8/2022.



Congress in March 2020.<sup>2</sup> 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 intent. These forthcoming federal broadband maps also render SB 2886 unnecessary.

Finally, as referenced in §206R-A(3)(9)(b) and the usage of these maps for determining grant moneys, 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 for purposes of IIJA moneys 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 and understanding the locations of unserved and underserved areas throughout Hawaii. However, this legislation is unnecessary and duplicative of efforts already underway at the federal level.

Sincerely,

Bethanne Cooley  
Assistant Vice President  
State Legislative Affairs

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<sup>2</sup> See Public Law 116-130, <https://www.congress.gov/116/plaws/publ130/PLAW-116publ130.pdf>, last accessed 1/31/2022.



February 9, 2022

The Honorable Sharon Y. Moriwaki  
Chair, Senate Committee on Government Operations  
Senate District 12  
Hawaii State Capitol, Room 223  
Honolulu, HI 96813

The Honorable Donovan M. Dela Cruz  
Vice Chair, Senate Committee on Government Operations  
Senate District 22  
Hawaii State Capitol, Room 208  
Honolulu, HI 96813

RE: SB 2886 Oppose Unless Amended – Relating to Broadband Equity

**RE: SB 2886 -- Oppose Unless Amended – Relating to Broadband Equity**

Dear Chair Moriwaki and Vice Chair Dela Cruz:

On behalf of Verizon, I submit testimony with serious concerns about substantive provisions of SB 2886, which appear to move the Hawaii Broadband and Digital Equity Office from a coordinating organization which works cooperatively with public and private entities in pursuit of broadband objectives, towards becoming a regulatory entity with the authority to impose unnecessary mandates on private sector telecom partners, including wireless carriers.

**Data Collection and Mapping mandate authority is unnecessary and intrusive on company proprietary information.**

The new regulatory authority that is provided by this legislation raises a number of serious concerns. First of all, the bill gives the Hawaii Broadband and Digital Equity Office the authority to become a new regulatory entity. The bill sets out a requirement that private telecom businesses “submit data to the office at a level of detail that the office has deemed acceptable.” This is highly subjective. The bill then contradicts its own objectives by stating that “for mapping data, the office shall require the use of data formats consistent with data formats used for mapping at the federal level.” If this is the case, then the mapping suggested is already available through the FCC data base.

Regarding “address level data that includes the maximum speeds available,” this kind of data gets into sensitive proprietary information that is not released openly because of competitive considerations. The bill makes no provisions for protecting proprietary information. It is also not clear why the data is needed and for what purpose it will serve. Any municipality already can share details on where it has provided approval for cell site coverage, fiber deployment, and locations for technology deployment, as every permit application for any approved actions is a matter of public record. The cities and counties of Hawaii already have data on where there is build-out and areas of their jurisdictions where more

investment is needed. It is unnecessary and impractical to seek to compel competitive carriers to share proprietary and sensitive information on their planned deployments.

The bill further provides that communications service providers that do not provide the requested data are “ineligible for grant funding.” Therefore, the bill sets the table so that carriers will have to choose between sharing sensitive information or not getting grant funding. This will have the effect of slowing participation by private telecom entities in meeting federal and state broadband objectives, and reducing private investment. It is also questionable as to whether these new conditions in statute can be applied to federal funding, given that the federal grant programs already set conditions for eligibility.

### **Proposed Performance Standards overreach and may be in conflict with Federal Preemption**

Section 206R-B of the bill indicates that the Hawaii Broadband and Digital Equity Office, as a new regulatory agency, “shall determine performance standards for broadband service in the State.” This will be news for the Federal Communications Commission (FCC), which sees itself under federal law as the entity that determines broadband standards across the country, standards which need to be uniform and not determined on a subjective state-by-state basis.

The entire section of the bill on “performance standards” is extraordinary in its overreach, and clearly the Hawaii Broadband and Digital Equity Office doesn’t have the staffing, the expertise, and the jurisdictional authority to manage this undertaking.

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 investment, expansion, and extension of inclusion for broadband, including “unserved and underserved” communities throughout the nation, these goals have to be achieved through a comprehensive partnership between the private and public sectors.

SB 2886 is an attempt to establish “command and control” authority over all aspects of broadband technology-related deployments, which will have the opposite impact of its intent. This legislation will discourage private sector participation and investment in Hawaii, and will not serve the interests of the state’s citizens as currently drafted.

This bill should be defeated and a meaningful dialogue should continue between the Hawaii Broadband and Digital Equity Office and the industry. The Office was always intended to be a coordinating and facilitating entity, not a new and all-encompassing regulatory authority as this legislation attempts to manifest.

Sincerely,

Michael Bagley  
Executive Director for Government Affairs

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

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

February 10, 2022 3:05PM  
State Capitol, Videoconference

**COMMENTS FOR:**

**S.B. NO. 2888 RELATING TO BROADBAND EQUITY**

To: Chair Moriwaki, Vice-Chair Dela Cruz, and Members of the Committee  
**Re: Testimony commenting on SB 2886**

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

Thank you for this opportunity to submit comments on Senate Bill 2886. This bill would require 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. This bill also establishes the criteria for the Hawaii Broadband and Digital Equity Office to consider in determining and designating unserved and underserved areas.

While we support the legislative intent to promote broadband equity, we have strong reservations regarding this bill as currently written because it may not be in alignment with new federal broadband informational mapping rules which the Federal Communications Commission (FCC) is undertaking as required by the Broadband Deployment Accuracy and Technological Availability (“DATA”) Act, passed by the U.S. Congress and enacted into public law on March 23, 2020. The new reporting requirements would also be duplicative of the State’s data reporting requirement under HRS 440J.

The FCC reports that once the Broadband Data Collection program is fully implemented:

*FCC’s broadband 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.<sup>1</sup>*

The FCC recently proposed new rules that 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. Comments to the Notice of Proposed Rule Making are due by March 9, 2022, and reply comments are due by March 24, 2022.<sup>2</sup>

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 regulations.

Over the last two years, this world-wide pandemic has affected every one of us in countless ways. And, it has solidified the importance of staying connected with ‘ohana, our customers, and our communities. We at Hawaiian Telcom know that fiber is our future, and we are committed to deploying fiber as equally to the neighbor islands as we are building on Oahu.

Hawaiian Telcom is committed to enabling Hawaii’s unserved and underserved communities with integrated communications, including high-speed broadband, data, video, as well as local and long-distance voice services that keep us connected to the world. With the support of the Federal Communications Commission’s Connect America Fund (CAF), we have provided more connectivity to rural and neighbor island communities throughout Hawai‘i than any other provider.

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

Thank you for the opportunity to submit comments on Senate Bill 2886.

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<sup>1</sup> [Mobile Broadband Maps | Federal Communications Commission \(fcc.gov\)](#), accessed on February 8, 2022.

<sup>2</sup> Source: 87 Fed. Reg. 6827, FCC 22-7, CG Docket No. 22-2, published February 7, 2022.





Charter Communications  
Testimony of Rebecca Lieberman, Director of Government Affairs

**COMMITTEE ON GOVERNMENT OPERATIONS**

Hawaii State Capitol  
Thursday, February 10, 2022

**TESTIMONY PROVIDING COMMENTS ON S.B. 2886, RELATING TO BROADBAND EQUITY**

Chair Moriwaki, Vice Chair Dela Cruz, and Members of the Committee.

Thank you for the opportunity to **provide comments** on S.B. 2886, a bill that would (1) redefine the areas of Hawaii that are eligible for broadband infrastructure grant support, and (2) mandate data collection to support a broadband availability map.

Charter supports efforts to bring broadband to unserved areas of Hawaii. The potential influx of federal dollars for broadband infrastructure expansion provides Hawaii with a unique opportunity to connect every location in the state. But doing so requires that Hawaii be thoughtful and focused getting those dollars to those who do not yet have access to broadband infrastructure. Every dollar the state spends on broadband infrastructure in areas that already have broadband service is a dollar that could have been used to bring service to the most expensive and hard-to-reach locations.

The federal government thoughtfully redefined the speeds that constitute broadband in the Infrastructure Investment and Jobs Act (“IIJA”) by defining underserved areas eligible for grants as those without access to broadband at speeds of 100 Megabits per second (“Mbps”) downstream and 20 Mbps upstream. The federal government has recognized that speeds of 100/20 are more than sufficient for today’s broadband needs and so spending money to build infrastructure in areas that

already have sufficient service would be a waste of government dollars, leaving the truly unserved and underserved even farther behind.

Charter has concerns about S.B. 2886 because it would define underserved areas eligible for broadband infrastructure grants as areas that do not have service at speeds of at least 100 Mbps down and 100 Mbps up. This definition would, in effect, define nearly the entire state of Hawaii as underserved despite the fact that all of the more than 400,000 homes and businesses in the state where Charter service is available have access to broadband at download speeds of 1000 Mbps (1 Gigabit) and upload speeds of 35 Mbps. This service is provided over a network scalable to higher speeds through the continued private investments Charter continues to make in the state. Funding a duplicative broadband network using government dollars is unwise and undermines the state's efforts to bring broadband to all Hawaii residents.

Likewise, the bill's direction to the Hawaii Broadband and Digital Equity Office to develop additional minimum performance criteria to define underserved areas eligible for broadband infrastructure is confusing, as it creates separate standards from those set by the federal government. The federal government has identified the performance criteria that are necessary to support robust broadband service. We recommend that Hawaii mirror the federal approach of focusing on speed and latency metrics, but retain the authority to revisit those metrics periodically as federal guidance, technology, and industry standards change.

Second, Charter has concerns about the broadband mapping provisions of S.B. 2886 to the extent they differ from the emerging national standard for mapping broadband availability. We

appreciate that the bill requires “the use of data formats consistent with data formats used for mapping at the federal level.” But the bill then goes on to require “address level data.” The new maps in development at the Federal Communications Commission, which they must create pursuant to the Broadband DATA Act and which NTIA will be using in identifying areas eligible for distribution under the IJJA,<sup>1</sup> are based on the collection of shapefiles, which are GIS or KMZ files that granularly outline on a map which areas have access to broadband service and which do not. Under the FCC’s rules, broadband providers are required to provide a shapefile showing every location that can be serviced within 10 days. These shapefiles will be layered onto a public map of the United States. Other states have found that these shapefiles provide as granular data as a spreadsheet of addresses, but in a more usable format.

The federal maps will also reflect data collected on maximum advertised download and upload speeds. For services below 25/3 Mbps, providers must report in two tiers: (1) greater than 200 kbps in at least one direction and less than 10/1 Mbps; and (2) greater than or equal to 10/1 Mbps and less than 25/3 Mbps. For speeds greater than 25/3 Mbps, providers must report the maximum advertised speeds. ISPs are also required to provide latency metrics, indicating whether round-trip latency is less than or equal to 100 milliseconds based on the 95th percentile of measurements. And consumers and government entities will have the ability to challenge the data on the FCC’s maps if they find it to be inaccurate, with providers required to update the map or respond to challenges within 30 days.

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<sup>1</sup> Infrastructure Investment and Jobs Act, PUBLIC LAW 117–58, 135 STAT. 429, 1186 (Nov. 15, 2021).

Should the State of Hawaii decide to collect data to produce its own broadband availability map, that map and the data collected to support the map should align with the federal mapping requirements. To avoid wasteful duplication of resources, we recommend that the state reevaluate the need for its own maps once the new federal maps are published.

Charter believes that every Hawaii resident should have reliable access to the Internet. We will continue 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 a recent announcement 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.

Hawaii has an opportunity to bring broadband to every home and business in the state. Passage of S.B. 2886 may frustrate that effort by misdirecting resources to those who already have access to broadband service, while leaving those without service even farther behind.

Mahalo for the opportunity to submit these comments on S.B. 2886.

February 9, 2022

I write in support of SB 2886 but recommend some changes.

As the bill recognizes, the federal reports, in particular the FCC Form 477 data, already required by census block, contain the maximum speeds provided and the technologies used. The good intent of the bill is to augment that data already collected.

Rather than the specific speeds listed in the bill, the bill should require that the providers list the number of locations each served in each census block with the actual speeds and prices charged. Speeds and capacities may change. By providing actual service data, the Hawaii office can compare the number of locations served to the total number of locations in the census block – housing units plus business and government units along with the speeds, etc. Judgements can then be made about unserved and underserved areas to be prioritized for upgrade.

Another area of coordination and support is the Hawaii state GIS office and the broadband maps on its site which could display the new data.

The Hawaii Dept. of Education (DOE) has a lot of survey data on internet services at students' homes. DOE should be compelled to supply that data by census block with appropriate deidentification of precise location.

Finally, the bill should be coordinated with or merged with SB2213 which requires disclosure of fiber locations. Knowledge of the endpoints of optical fiber routes is essential to prioritizing broadband infrastructure and service investments.

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