

TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

February 27, 2024
2:00 p.m.

Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

MEASURE: H.B. No. 2710, HD1

TITLE: RELATING TO TELECOMMUNICATIONS.

DESCRIPTION: Requires, as a condition for the issuance of a permit, a wireless telecommunications carrier to maintain emergency backup power for a minimum of eight hours. Effective 7/1/3000. (HD1).

POSITION:

The Public Utilities Commission ("Commission") offers the following comments for consideration.

COMMENTS:

The Commission supports the intent of this measure to ensure that wireless telecommunications are resilient with emergency back-up power as such services are critical lifelines during emergency events.

The Commission agrees with the Legislature that wireless telecommunications are especially vital for communication and coordination during emergency events, and during times when normal electrical power is interrupted.

At this time, the Commission defers to other state agencies and departments regarding regulatory authority and applicability of this measure on the intended industry. As with all regulated utilities, the Commission requires regulated utilities to follow all current and

applicable rules and regulations that apply to their planning and operations. The Commission stands ready to provide technical assistance on this measure to any parties that request the Commission's assistance.

Thank you for the opportunity to testify on this measure.

HB-2710-HD-1

Submitted on: 2/24/2024 8:17:27 PM

Testimony for CPC on 2/27/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
susie jannuzzi	Kailua Alert & Prepared	Support	Written Testimony Only

Comments:

As a member of Kailua Alert & Prepared and as a Kailua resident, I strongly urge you to support HB2710, a requirement for a cellphone carrier to provide at least 8 hours of back up power before issuance of a business permit. Crisis experienced in an isolated community, such as Lanikai, demands additional efforts be available to assure residents can reach safety, especially if they must call for assistance.



February 26, 2024

The Honorable Mark M. Nakashima
Hawaii House of Representatives
Chair, Committee on Consumer Protection & Commerce
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

Dear Chair Nakashima:

On behalf of CTIA®, the trade association for the wireless communications industry, I write to respectfully oppose House Bill 2710, which requires backup power at wireless cell sites.

Network reliability is of utmost importance to our members and their customers, particularly because of a growing dependency on wireless networks. For this reason, it is standard industry practice to place some form of back-up power (i.e. battery, generator, etc.) whenever technically feasible and within applicable regulations.

The provision of back-up power at cell sites is impacted by several factors. For example, carriers and infrastructure providers often collocate facilities, whereby a single site may host several carriers and their equipment. Back-up power at collocated sites would require sufficient power and separate equipment for which there might be limited space for all carriers operating on the collocated site.

Back-up power equipment raises other complicated issues related to the permissible use of equipment and its exact placement within the site. This may require leases to be renegotiated with property owners - the possibility of which is far from certain. There may also be other issues, including local code and environmental restrictions and noise abatement issues with the placement of back-up power that could make meeting certain power durations extremely difficult or impossible.

HB 2710 also presents legal concerns. Back-up power mandates, like those in the bill, are expressly preempted by Section 332 of the federal Communications Act. Longstanding case law has established the principle that any such state regulation that attempts to regulate the adequacy of wireless carriers' network facilities and the level or quality of their services constitutes impermissible regulation of market "entry" and is therefore barred by Section 332(c)(3)(A).



In addition to the challenges facing wireless carriers in the deployment of back-up power, it is important to note that a wireless facility may go offline for reasons other than lack of power. For example, backhaul/fiber connections carry the mobile traffic. If this backhaul transport is not working because of cut fiber lines, for example, having back-up power at sites will not bring service back online.

Again, the wireless industry recognizes the importance of network reliability. We noted several bills this legislative session where the health of communications infrastructure must be considered in wildfire mitigation plans. In addition, the wireless industry is currently engaged at the state and local level as stakeholders work together on disaster mitigation and resiliency plans, including the Hawaii Public Utility Commission's hazard mitigation review. We stand committed to continuing to work with all stakeholders throughout Hawaii to further discuss and comprehensively address network reliability.

For the reasons listed above, we respectfully oppose HB 2710.

Sincerely,

Gerard Keegan
Vice President
State Legislative Affairs

HB-2710-HD-1

Submitted on: 2/23/2024 6:03:16 AM

Testimony for CPC on 2/27/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

Support, but minimum 8 hours is not long enough. Should be at least minimum 24 hours, or 48 hours even better.

Mahalo,

Glen Kagamida

Hilo

HB-2710-HD-1

Submitted on: 2/24/2024 2:00:27 PM

Testimony for CPC on 2/27/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
STEVEN J PROCTOR	Individual	Support	Written Testimony Only

Comments:

As a resident of Lanikai, I support this bill (as amended to extend its scope statewide). Recently Lanikai has experienced more than one outage that brought down cell service. As demonstrated by the Lahaina disaster (and Lanikai has emergency response risks similar to Lahaina, if not worse, there being only one roadway in and out of Lanikai), time can be critical when an emergency or disaster occurs, and we cannot afford to have communications cut off.

Steven Proctor

HB-2710-HD-1

Submitted on: 2/26/2024 1:56:22 PM

Testimony for CPC on 2/27/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tash Wong	Individual	Support	Written Testimony Only

Comments:

I'm writing in support of requiring backup power for cell phone towers throughout the state.

As a resident of Ka'ohao, when commercial power goes out, we lose most of our communication system. Spectrum, who provides most of the landline service, and all of the cell towers all go down. This leaves the vast majority of Ka'ohao/Lanikai residents without a means of communication - phone or internet. This is especially an issue for those with health problems, small children, and anyone else experiencing an emergency. I'm aware that this also impacts Ka'ohao School.

Following the Maui fires, HECO has informed the public that power outages will be more frequent, resulting in more breaks in our communications systems. Backup power would enable our community, and other communities with similar issues around the state, to reach out to emergency services, and stay connected to local news. This will be especially important during fire season.