



GOV. MSG. NO. 1362

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 06, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

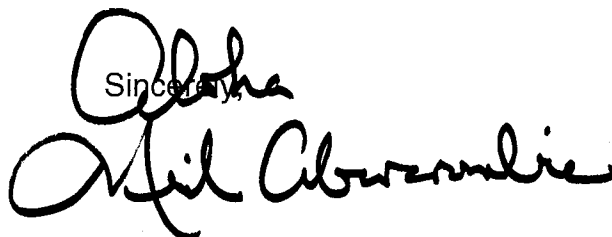
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 06, 2012, the following bill was signed into law:

HB2526 HD2 SD2

RELATING TO REPORTING REQUIREMENTS
FOR TELECOMMUNICATIONS AND CABLE
TELEVISION PROVIDERS.

Act 259 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 6 2012

ORIGINAL

ACT 259

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 2526
H.D. 2
S.D. 2

A BILL FOR AN ACT

RELATING TO REPORTING REQUIREMENTS FOR TELECOMMUNICATIONS AND
CABLE TELEVISION PROVIDERS.

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

1 SECTION 1. The governor's creation of the Hawaii broadband
2 initiative boldly states that advanced broadband capability is
3 an essential piece of infrastructure necessary to drive
4 innovation, the economy, and job creation in the twenty-first
5 century. High-speed broadband infrastructure and affordable
6 broadband services are essential for the advancement of
7 education, health services, public safety, research, innovation,
8 e-government services, economic development, and public safety.
9 The telecommunications industry is an essential element of
10 Hawaii's economy and vital to the health and welfare of the
11 people of Hawaii.

12 Implementation of the Hawaii broadband initiative requires
13 statistical data for accurate and timely analyses. The data
14 will also assist in assessments and evaluations of available
15 broadband infrastructure and services. Such analyses will also
16 aid in the development of initiatives related to the future



1 expansion and enhancement of broadband infrastructure and
2 services.

3 In January 2010, the United States Department of Commerce's
4 National Telecommunications and Information Administration
5 awarded the State of Hawaii a broadband data and development
6 grant, number 15-50-M09057, to create and maintain a broadband
7 map illustrating available broadband services throughout the
8 State. In addition to the mapping, other grant activities
9 included an analysis of broadband availability and adoption;
10 identification of services at public schools, libraries,
11 hospitals, colleges, universities, and public buildings
12 (referred to as community anchor institutions); and the
13 development of a five-year plan and a roadmap to increase access
14 and adoption through legislation and local technical assistance.

15 In particular, the federal grant required broadband data to
16 be aggregated at the census-block level. Due to this
17 requirement, if any subscriber in a census block is able to
18 receive broadband service from a provider, that entire census
19 block is deemed to be served by that provider. The legislature
20 finds that reporting on a census-block basis in this manner may
21 result in an inaccurate assessment or overrepresentation of
22 broadband availability within the State.



1 Broadband data collected from and submitted by providers
2 can and should be compiled at a more granular level. Reporting
3 broadband data as a percentage of households, addresses, or tax
4 map key parcels in a census-block that cannot be serviced will
5 provide increased detail of broadband penetration and
6 availability and will more accurately depict the locations and
7 status of broadband access in the rural areas of Hawaii.

8 SECTION 2. The Hawaii Revised Statutes is amended by
9 adding a new chapter to be appropriately designated and to read
10 as follows:

11 "CHAPTER

12 TELECOMMUNICATIONS AND CABLE INDUSTRY INFORMATION REPORTING

13 § -1 Definitions. As used in this chapter, unless the
14 context otherwise requires:

15 "Broadband access or broadband service" means an "always-
16 on" service that includes but is not limited to computer
17 processing capabilities, information provision, and computing
18 interactivity with data transport, enabling end users to access
19 the Internet and use a variety of applications at minimum speeds
20 established by the Federal Communications Commission.

21 "Broadband infrastructure" means the medium used to provide
22 broadband access or broadband service, including fiber optic



1 cable, copper cable, coaxial cable, and wireless media, such as
2 satellite communications, wi-fi, and worldwide interoperability
3 for microwave access.

4 "Broadband speed threshold" means the highest speed
5 threshold defined or established in the most recent broadband
6 progress report issued by the Federal Communications Commission
7 to Congress.

8 "Department" means the department of commerce and consumer
9 affairs.

10 "Director" means the director of commerce and consumer
11 affairs.

12 "Mapping information" means the information required under
13 the United States Department of Commerce's National
14 Telecommunications and Information Administration broadband data
15 and development grant, number 15-50-M09057.

16 "Provider" means any cable operator, telecommunications
17 carrier, or telecommunications common carrier that provides
18 broadband service.

19 § -2 **Informational reports.** (a) Beginning on March 1,
20 2013, and on every March 1 thereafter, every provider, except
21 for commercial mobile radio service providers, shall file with
22 the department, in a form as prescribed by the director,



1 separate reports for each county that include, over the most
2 recent thirty-day period and without any other personal or
3 private information, the following:

4 (1) Broadband access availability aggregated at the
5 census-block level and detailed as a percentage of
6 households, addresses, or tax map key parcels that
7 cannot be serviced in a census-block at the broadband
8 speed threshold; and

9 (2) The monthly price charged for the broadband service if
10 purchased individually without any discounts.

11 (b) Beginning on March 1, 2013, and on every March 1
12 thereafter, commercial mobile radio service providers shall file
13 with the department data and information that is the same as and
14 not inconsistent with information filed with the Federal
15 Communications Commission.

16 § -3 **Confidential information.** (a) Notwithstanding
17 chapter 92F, statements and reports provided to the department
18 pursuant to section -2, and the data contained therein, shall
19 be kept confidential; provided that the department may disclose
20 mapping information and data aggregated to the extent necessary
21 in the director's discretion to prevent identification of a
22 provider with the specific data furnished by that provider.



1 (b) Unless otherwise provided by law, the department shall
2 be prohibited from:

3 (1) Using the information furnished or obtained for any
4 purpose other than the purposes for which it is
5 supplied; and

6 (2) Making any publication whereby the data furnished by
7 any person can be identified.

8 (c) The department shall:

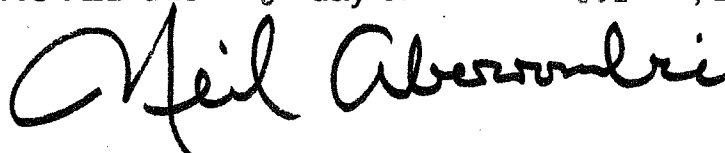
9 (1) Ensure the security and confidentiality of the
10 information;

11 (2) Protect against any anticipated threats or hazards to
12 the security or integrity of the information; and

13 (3) Protect against unauthorized access to or use of the
14 information that could result in personal or
15 competitive harm to individuals or providers."

16 SECTION 3. This Act shall take effect on July 1, 2012.

APPROVED this 6 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

