

Broadband Task Force
(Established by Act 2, Session Laws of Hawai'i 2007)
State of Hawai'i
www.state.hi.us/auditor

Minutes of Meeting

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawai'i Revised Statutes.

Date: Wednesday, October 3, 2007

Time: 9:00 a.m.

Place: State Capitol
415 South Beretania Street
Conference Room 329
Honolulu, Hawai'i

Present: Gordon Bruce, City & County of Honolulu
Gary Caulfield, First Hawaiian Bank
Senator Will Espero, The Senate
Senator Carol Fukunaga, The Senate
Jennifer Goto Sabas, Office of Senator Daniel K. Inouye
Senator David Ige, The Senate
David Lassner, University of Hawai'i
Joel Matsunaga, Hawaiian TelCom
Representative Marcus Oshiro, House of Representatives
Nam Vu, ShakaNet, Inc.
Representative Gene Ward, House of Representatives
Representative Kyle Yamashita, House of Representatives

Marion M. Higa, State Auditor, Office of the Auditor
Sterling Yee, Assistant Auditor, Office of the Auditor
Stephen Wilson, Senior Analyst, Office of the Auditor
Albert Vargas, Associate Analyst, Office of the Auditor
Jayna Oshiro, Special Projects Coordinator, Office of the Auditor
Pat Mukai, Secretary, Office of the Auditor

Jennifer Brooks, Office of Information Practices
Nancy Neuffer, State Ethics Commission
Karian Flyer, Capital Consultants
John Radcliffe, Capital Consultants
Robert Doeringer, RHD Consultants, LLC
John Nichols, Henkels & McCoy, Inc.
Yuka Nagashima, High Technology Development Corporation

Excused/
Absent: Henk Rogers, BluePlanet Wireless
Nate Smith, Oceanic Time Warner
Clyde Sonobe, Department of Commerce & Consumer Affairs

Call to Order: Mr. Yee called the meeting to order at 9:05 a.m. at which time quorum was established.

Introduction: Mr. Yee gave a brief overview of Act 2 (2007). The purpose of this Act is to:
1. Remove barriers to broadband access, including gaining wider access to public

- rights-of way;
2. Identify opportunities for increased broadband deployment and adoption, including very high speed broadband services; and
 3. Enable the creation and deployment of new advanced communication technologies in Hawaii.

Office of Information Practices

Jennifer Brooks, staff attorney with the Office of Information Practices, briefed the task force on Chapter 92, Hawai'i Revised Statutes, the Hawai'i Sunshine Law – Open Meetings. The purpose of the statute is to protect the public's right to know and to allow the public to participate in government meetings. Discussions, deliberations, and actions of government boards shall be conducted as openly as possible.

The law has five requirements: 1) discussions, deliberations and decisions of the government boards happen at a meeting; 2) all meetings must be open to the public unless there's a specific exception that allows the board to discuss in a closed meeting; 3) boards must accept public testimony; 4) boards must provide notice of their meeting, including an agenda that details what a board is going to talk about; and 5) boards must keep written minutes of all their meetings. Ms. Brooks discussed each requirement and some of the exceptions in further detail.

Senator Fukunaga asked Ms. Brooks to elaborate on email communication. Ms. Brooks responded that email discussions are considered the same as face-to-face discussions. She explained that it is hazardous to do email discussions where you "reply all," or "copy all" because most likely, it involves more than two people. Under permitted interactions, two board members may discuss board business outside a meeting as long as no commitment to vote is made or sought. Nevertheless, it would be contrary to the Sunshine Law for a board member to discuss the same board business with more than one other board member through a series of one-to-one meetings.

Representative Ward asked to clarify Section 92-10, permitted interaction within the Legislature. Ms. Brooks replied that the Legislature is exempt from the Sunshine Law. She explained the difference between Representative Ward's role as a legislator versus his role as a board member. As a board member, he is subject to Sunshine Law because this is a Sunshine board. Talking about board business in caucus is not exempt from the Sunshine Law and therefore not allowed.

Ms. Brooks discussed permitted interactions and how permitted interaction groups or working groups can be established to allow work to be done between scheduled meetings.

State Ethics Commission

Nancy Neuffer, State Ethics Commission briefed the task force on Chapter 84, Hawai'i Revised Statutes on the Ethics Code.

Ms. Neuffer discussed the following areas: 1) gifts; 2) confidential information; 3) fair treatment; 4) conflicts of interest (disqualification, acquiring new financial interests, and assisting or representing persons or businesses); and 5) financial disclosures.

Selection of
Chair/Vice
Chair:

Representative Ward suggested that the task force have a private sector member to be either Chair or Vice Chair. He also suggested having two Vice Chairs. The task force decided upon one Vice Chair.

Mr. Yee opened nominations for Task Force Chair. Senator Espero nominated Member Lassner as Chair. Senator Espero moved, seconded by Senator Fukunaga to close the nominations. By a unanimous vote, Member Lassner was elected Chair of the task force.

Chair Lassner opened nominations for Vice Chair. Representative Ward nominated Member Vu as Vice Chair. Representative Ward moved, seconded by Representative Oshiro to close the nominations. By a unanimous vote, Member Vu was elected Vice Chair of the task force.

Focus of the Task Force: The intent of the task force is to: 1) identify actions that will produce increased investment in and the availability of advanced broadband capabilities at more affordable costs by using new approaches to broadband deployment, including through increased access to public rights-of-way and shared fiber infrastructure; 2) identify administrative actions that will promote broadband access and usage within the state; 3) make specific recommendations on how Hawai'i can leverage federal, state, and international opportunities for and eliminate any related barriers to broadband access and adoption; 4) focus special attention on how broadband can be used to substantially benefit educational institutions, healthcare institutions, community-based organizations, and governmental institutions; 5) consult with public and private stakeholders to coordinate statewide efforts to obtain and maximize loan funding available for broadband deployment and development projects in the state; 6) consult with private sector stakeholders to leverage opportunities to increase investments in state-of-the-art technologies, and new approaches to advancing capabilities at reduced costs; 7) identify best practices to establish a database that identifies current and prospective projects for deploying broadband; 8) encourage all state and county agencies to lead by example by obtaining the necessary equipment for broadband usage and have full access to broadband service; and 9) encourage all state and county agencies to study the feasibility of and utilize various services that broadband provides such as streaming video technologies to broadcast public meetings over the internet, videoconferencing, wireless internet access in state and county facilities that are most used by the public, and the deployment of voice over internet protocol.

Chair Lassner asked members to share their visions and aspirations as to what they would like the task force to accomplish. The members expressed various goals for the task force. One goal expressed was that Hawai'i become a leader in broadband communication; set the bar high. Another goal was that Hawai'i adopt best practices.

State Auditor Higa stated that a portion of the appropriation for this task force will be used for the operations of the task force and the other portion will be available for technical assistance beyond the staff's capabilities which may involve hiring a consultant. She also stated that there are two-phases in the reporting requirement. The preliminary report will go to the 2008 session with the expectation of the completed report to the 2009 session.

Senator Fukunaga asked if the Auditor's Office could supply the members with the materials the National Conference of State Legislatures (NCSL) compiled to give the task force a quick overview of every state and where they stand on some of the things they have done thus far.

Chair Lassner shared that the task force needs to get everyone on board and that the effort will involve legislative action, county action, state action, and private sector action.

Member Bruce mentioned a study going on now to take a look at the deployment of telecommunication towers in remote areas, legislation or mechanism that could be put in place could set the standard so the towers could be co-location, enabled, and allow providers to provide services through possibilities of funding.

Member Matsunaga stated that websites of wireless carriers all have high-level maps showing coverage. Oahu is well covered. However, the neighbor islands show gaps in their coverage and in a matter of time the gaps will be filled because wireless networks will want to have increased coverage across every island.

Representative Ward asked if there is any idea of how many people are online, by dial-up, broadband, etc. Member Matsunaga said the FCC requires carriers to file information and they put out broadband reports by state which shows subscribers broken down by cable, Road Runner, broadband vs. wire line, wireless, etc. The data is not available for Hawai'i because there are not enough competitors to establish confidential summaries of the data. Chair Lassner shared his thoughts that this task force has members from two of the largest providers and if they would be willing to share information confidentially with the Auditor's Office to be aggregated for the task force.

Chair Lassner mentioned federal legislation Senator Daniel Inouye introduced, the Broadband Data Act, would begin to provide, at a national level, some tools and resources to undergo studies at the state level. Senator Ige shared some information he received from the NCSL Broadband Task Force. He stated that the fact that a lot of the reporting at the federal level is zip code based at a very high level does not serve the task force's purpose. One of the efforts at the federal level is to use census tracts or some other broadband activity to give us a better read of where access is provided.

Senator Fukunaga asked if the Auditor's Office could help the task force in providing information by asking private sector providers and larger government agencies in putting together a preliminary starting point to get the discussion moving and developing a game plan for implementing the first three objectives. State Auditor Higa said it is doable but the task force needs to keep in mind we need to file the agenda six days prior to the meeting. This may require a quick meeting with the Chair, Vice Chair and the auditor's staff.

Member Caulfield suggested setting up working groups to assist the task force. Chair Lassner stated that the establishment of working groups will be on the agenda for the next meeting.

Meeting Schedule: The Auditor's office will poll members on their availability for the next meeting.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:03 a.m.

Reviewed and approved by:

Sterling Yee
Assistant Auditor

October 11, 2007

Approved as circulated.

Approved with corrections; see minutes of _____ meeting.

Broadband10/03/07