BROADBAND ASSISTANCE ADVISORY COUNCIL MEETING (BAAC)

DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS (DCCA)
STATE OF HAWAII

<u>MINUTES OF MEETING</u>

Date: Thursday, March 10, 2016
Time: 1:30 p.m. – 2:32 p.m.
Place: Hawaii State Capitol, Conference Room 423
                    415 S. Beretania Street
                    Honolulu, Hawaii 96813

Present:
BAAC Members   Chair Catherine Awakuni Colón (Chair), Department of
                    Commerce and Consumer Affairs (DCCA); Senator
                    Rosalyn Baker, State Senate; Representative Kyle
                    Yamashita, State House of Representatives; Jason Fujita
                    (for Scott Barber), Hawaiian Telcom; Kiman Wong (for
                    Gregg Fujimoto), Oceanic Time Warner Cable (Oceanic);
                    Ian Kitajima, Oceanit; Todd Nacapuy, Department of
                    Enterprise Technology Services (ETS); Donald Jacobs,
                    County of Hawaii; Tony Velasco, City & County of
                    Honolulu (City); and Garret Yoshimi, University of Hawaii
                    (UH)

Other Participants Mary Alice Evans, Department of Business, Economic
                    Development & Technology (DBEDT); Rudy Tamayo,
                    Hawaiian Electric Company (HECO); Paul Nakagawa,
                    HECO; Tracy Nishibun, HECO; Ken Hiraki, Hawaiian
                    Telcom; Reynold Hioki, Department of Defense (DOD);
                    Victoria Garcia, DOD/Office of Homeland Security; Blayne
                    Iwata, Department of Education (DOE); Steve Nagata,
                    HECO; and Jon Okudara, Verizon Wireless

DCCA   Todd Ogasawara; Debby Shin; and Cathy Takase

I.   Call to Order

The Chair called the meeting to order at 1:30 p.m.

II.   2016 Legislative Session

A.   Report filed on Act 151 (SLH 2011) – Broadband Permit Exemption

The Chair informed the BAAC that DCCA, pursuant to Act 151, submitted a report to the 2016 Legislature on the "State of Broadband Communications in Hawaii" (that provides an overview of broadband access estimates, speeds and costs) and the exemptions under Act 151 (Report). The Report included a recommendation to extend the exemptions based upon DCCA's communications with providers that indicated the providers' desire that the exemptions be extended.

The Chair called for any questions or concerns, noting that DCCA could provide additional information to the Legislature. The Chair also noted no reported use of the provisions of the Act by the providers to date. Mr. Don Jacobs expressed support for the exemptions, which could assist the County of Hawaii in expanding its network.

The Chair informed the BAAC that the Report, which also includes a summary of BAAC activities, is available on the Legislature's website and on DCCA's website. The Chair expressed thanks to Hawaiian Telcom and Oceanic for providing information to assist DCCA in preparing the Report.

B.   Bills introduced to extend provisions of Act 151 & Act 264 (SLH 2013) (SB 2793, HB 2543)

Bills were introduced to extend the permitting and approval exemptions provided for certain broadband-related infrastructure directly related to the improvement or installation of telecommunications cables under Act 151; and the provisions of Act 264, which require the State and the counties to take action within sixty (60) days for broadband-related permit applications, and within one hundred forty-five (145) days for use applications for broadband facilities within the conservation district. The BAAC had been provided with the most recent versions of these measures in advance of the meeting.

Current Status of Bills:
SB 2793: EET passed an SD1 version to extend Act 264 only for 5 years, CPH passed the bill unamended, and it has been transmitted to the House.
HB 2543: EEP passed the bill unamended, CPC passed an HDI version to make exemptions under Act 151 and provisions of Act 264 permanent, FIN passed an HD2 version to change the effective date to July 1, 2030, and it has been transmitted to the Senate.

The Chair encouraged the BAAC members and participants to provide comment on the bills. (Representative Yamashita later in the meeting asked if there were any objections to extending Act 151, and none were expressed.)

C. Report filed on HCR 189 (Requesting that the BAAC and additional named participants create a Broadband Master Plan for resort and other areas, including Honolulu International Airport and Hawaii Public Schools)

The Chair thanked the BAAC and additional participants (HCR 189 Participants and BAAC) for their efforts on the House Concurrent Resolution No. 189 (HCR 189), particularly given the compressed time frame for the Report on HCR 189 (HCR 189 Report). The Chair expressed special thanks to the Hawaii Tourism Authority and the Hawaii Lodging and Tourism Association for volunteering to assist with the HCR 189 survey done by reaching out to various hotels, associations, and businesses in the resort areas. The Chair also thanked DOE and the Department of Transportation for providing information on their respective agencies' broadband plans for the HCR 189 Report, and the wireline and wireless providers who assisted with coverage maps and reviewed them for accuracy.

1. Overview of Report and Recommendations Made

The Chair noted that a Broadband Assessment was attached to the HCR 189 Report. The Broadband Assessment included Wireline and Wireless Broadband Coverage maps and results of the Resort Area Broadband Survey. The intent was to provide access to as much of the raw data as possible.

The HCR 189 Participants and BAAC agreed that local planning teams (with stakeholders suggested in the Broadband Assessment) be used to identify the remaining gaps in coverage. Creation of a full master plan was not viable given the time constraint and limited resources. Further, the general belief was that broadband planning should be more localized and that local planning teams would be the best armed to gather more granular information, assess options, gain local participation and buy-in, identify and respond to local concerns, and determine the best solutions and course of action to be taken. Local planning teams could also look at a government-sponsored WiFi program similar to the City's Waikiki WiFi model set out in the Broadband Assessment. Other considerations suggested by the HCR 189 Participants and BAAC for such a program were also provided.

HCR 189 also requested identification of best practices to establish a broadband projects database of current and prospective projects. DCCA identified six (6) complementary federal and nationwide best practices to create, support and enhance a broadband projects database, many of which were previously made in the Capacity Building Project Plan prepared by DCCA in 2013, with review and input by the BAAC.

DCCA recommended (in the HCR 189 Report) that the best practices be further reviewed by the BAAC and other stakeholders at the next BAAC meeting. If supported in concept, these best practices would be more fully explored and developed for future recommendation or implementation, including setting priorities in implementation, assessments on statutory amendments or additional funding that may be required, and other details.

2. Discussion of Best Practices Included in HCR 189 Report

The Chair asked the BAAC to review the list of national best practices identified for possible work by the BAAC and the BAAC Permitting Work Group, and to assist DCCA by providing input on priorities and preferences among these best practices.

Best Practice 1: Infrastructure Projects Database and Dashboard
Best Practice 1 is to develop an online deployment and coordination system database (to provide advance notice of state and local infrastructure projects; allow coordination of broadband infrastructure deployment requiring access to underground rights-of-way; and provide a publicly viewable online dashboard that includes project descriptions, project schedules and project status).

The Chair asked the BAAC for an expression of interest in pursuing this best practice and other suggestions and observations. If a projects database is desired, the Chair stated DCCA's willingness to work with the BAAC to look at the details of development of such a database.

Mr. Jacobs expressed support based upon his experience with delays in putting in broadband infrastructure that may have been helped by coordinated efforts if the vendor knew of other ongoing projects. He also noted that a component to be looked at would be how the information would get to the database on the county level -- would it be through the planning and permitting county resources who would forward information on ongoing digs or developments?

Mr. Kiman Wong noted that it would be best if any system to be implemented used already submitted permitting applications rather than creating a separate system.

Ms. Victoria Garcia noted that in the development of a database it would be helpful to be clear on what the objective is so that the right data is provided and put into the database. She also recommended that it be clear from the outset what information will be placed on the public facing database so that security and confidentiality aspects are considered up front.

Mr. Todd Nacapuy expressed support of ETS to provide technical assistance in putting the database online. He also suggested that the project start with data from the State. He noted that the State has just built a Statewide Building and Asset Management application that incorporates the State's geographic information system (GIS) data, and could use that experience to develop a similar platform for this project. A test application could then be used to determine additional needs, access, and governance issues.

Action Item: The Chair stated that DCCA will start to look at this best practice in more detail, including how it may be used and what sources of data are available.

Best Practice 2: Permit Inventory (online library of agency information)
This best practice would be to create a publicly viewable online searchable database of permitting and review information that includes agency policies and practices, permitting and approval information, contact information, and web links.

The Chair noted that the DBEDT had collected permitting processes, and that those efforts could be used and enhanced with additional links, etc., for this purpose.

Best Practice 3: Broadband Inventory (online library of agency information)
This best practice is to create an online database of government agency documentation related to broadband deployment, including applications, forms, lease agreements, policies, procedures, and process documents.

Best Practice 4: "Dig Once" Policies and Practices
This best practice is to identify "dig once" policies and practices that could minimize the number and scale of excavations when installing telecommunications infrastructure in rights-of-way to facilitate the deployment of broadband.

Best Practice 5: Online Project Notification System
The State could use an established national online notification system for infrastructure projects requiring pole attachments and related

infrastructure and facilities, such as the National Joint Utilities Notification System (NJUNS).

Action Item: The Permitting Work Group will be asked to look at this best practice.

Best Practice 6: Broadband Utilities and Projects Coordinator
This best practice would establish a broadband utilities coordinator position to facilitate and coordinate broadband infrastructure projects utilizing government roadways and rights-of-way.

Ms. Garcia noted that in instituting these practices it is important to have role clarity so that establishing who owns the data, who collects the data, who is responsible for updating the data, etc., should also be identified as a best practice.

A question was raised as to the funding source for any implemented best practice. The Chair stated that DCCA would look at internal funding for one (1) to two (2) of the practices that the BAAC believes would be the most impactful. Oceanic and Hawaiian Telcom were asked to provide comment on which if any of these practices would be helpful to their deployments. Mr. Wong commented that coordinating and consolidating digs on projects at an earlier planning stage would be helpful. Mr. Jason Fujita agreed that there would be value in that, but noted that it would depend on how accurate, complete, comprehensive and up-to-date the information will be.

Members who deploy infrastructure were asked if there is a point in their planning process where they could provide notice or if they do provide notice currently. Mr. Garret Yoshimi noted that campuses are starting to provide notice, and expressed the need for a convenient mechanism to help parties provide notice. Potential issues raised were timing issues, differing needs of the parties, and the strategic, competitive reasons for not providing advance notice.

It was suggested that it may be helpful to instead change the process to create an advance permitting process that could provide advance notice. Mr. Tony Velasco noted that the City created a task force led by their maintenance division with monthly meetings of city agencies, HECO, Hawaiian Telcom, Oceanic, Board of Water Supply, Alexander & Baldwin and others involved in the use of conduits, to give the parties information on City projects approximately six (6) months in advance of construction. The City also has a program online to allow the public to view its construction projects and suggested coordinating to share that data. This could be done through a link to their website.

Mr. Yoshimi suggested as an action item that DCCA initially follow up individually with the carriers on advance planning mechanisms that are in place to see possible commonalities that would assist in identifying a system that could provide notice three (3) to six (6) months in advance. He suggested that focus could be placed on larger projects that would provide enough time in advance for collaboration. He noted that agencies also have long term planning that they could possibly share.

Senator Baker noted that a test project for collaboration would be valuable to identify state or county processes that need adjustment.

Action Item: The Chair agreed to have DCCA meet with the providers individually regarding their long term planning to adapt strategies to be useful to all.

D. Legislation Providing for Additional BAAC Members (SB 2511; HB 2549)

Senator Baker noted that S.B. No. 2511 was the only bill still alive and that a hearing had been set for Friday, March 11 before the Committee on Economic Development & Business (EDB).

The Chair noted that the bill would make the DBEDT Director a permanent member on the BAAC; ensure representation of all counties through legislative appointments; and allow the BAAC Chair to designate other stakeholders to serve as members of the council or its working groups on an ad hoc basis.

III. Updates/Announcements

- Permitting Work Group Chair. The Chair announced that a new Permitting Work Group Chair is needed, and that she will be reaching out to certain members.

- Measuring Broadband Hawaii (MBH). The Chair also provided an update on DCCA's MBH program to expand Hawaii's team of volunteers under the Federal Communications Commission's (FCC) Measuring Broadband America program. Participants receive free "whiteboxes" that plug into their cable or DSL modem and receive information about their Internet service performance. The Chair asked for assistance because DCCA is still seeking more participants particularly from the neighbor islands and Hawaiian Telcom subscribers. DCCA has approximately fifty (50) more boxes for distribution, and may later receive additional boxes through the FCC.

Mr. Jacobs noted that he has a whitebox and was able to see the immediate change in service when Hawaiian Telcom upgraded its service, allowing him to verify that change in service.

Mr. Yoshimi offered to distribute information on the program when they bring their neighbor island staff together for their summer workshop.

Action Item: DCCA to provide information to UH.

DCCA prepared bookmarks with information on the MBH program for distribution by the State Libraries, and made bookmarks available to the members at the meeting for their distribution.

- The Chair noted that DCCA intended to convene the Permitting Work Group and the Adoption Work Group. Agendas for those meetings will be sent to all of the BAAC members and current work group participants, and the Chair invited all to participate in these work groups.

- The Chair asked for any comments or suggestions on activities or priorities for consideration by the BAAC or the work groups, or for any announcements. There were none. The Chair thanked the members for their participation and invited all to send comments and suggestions to DCCA.

IV.   Adjournment

The meeting was adjourned at 2:32 p.m.