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February 9, 2006

The Honorable Senator David Y. Ige, Chair
Senate Committee on Intergovernmental Affairs
Hawaii State Legislature

RE: Testimony on Senate Bill 2074, Creating and Funding a 311 System

Dear Senator Ige and Members of the Committee:

On behalf of Cingular Wireless, I am writing to express concerns about Senate Bill 2074, which would create a 311 system for the Honolulu Police Department. Our primary concern with this legislation is the provision calling for a surcharge on wireless customers to fund this new program. Cingular Wireless strongly opposes additional taxes on our customers to fund 311 services.

Last year, the Hawaii Legislature considered a similar measure in Senate Bill 637. This legislation was amended so that funding for the program would come only from the state general fund, not a new charge on wireless customers. Cingular requests that Senate Bill 2074 also be amended to eliminate this surcharge. We point out that Hawaii wireless phone customers are already paying 66 cents each month for E911 service, and should not be burdened with funding a 311 system that provides a general benefit to Hawaii's citizens.

Cingular Wireless also requests a "Limitation of Liability" provision similar to the one in the wireless 911 statute. We request the following language:

NEW SECTION: Limitation of Liability. Notwithstanding any law to the contrary, in no event shall any wireless provider, reseller, or their respective employees, directors, officers, assigns, affiliates, or agents, except in cases of gross negligence or wanton and willful misconduct, be liable for any civil damages or criminal liability resulting from death or injury to a person or from damage to property incurred by any person in connection with any act or omission in developing, designing, adopting, establishing, installing, participating in, implementing, maintaining, or providing access to 311 service as defined by the FCC. In addition, no wireless provider, reseller, or their respective employees, directors, officers, assigns, affiliates, or agents shall be liable for civil damages or criminal liability in connection with the release of customer information to any governmental entity, including any public safety answering point, as required under this chapter.

Thank you for considering our testimony. Please feel free to contact me if you have any questions.

Respectfully Submitted,
Dan Youmans
Director – External Affairs
Cingular Wireless