



ORIGINAL

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 19, 2006

GOV. MSG. NO. **521**

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on April 19, 2006, the following bill was signed into law:

SB2018 SD1

A BILL FOR AN ACT RELATING TO
PUBLIC UTILITIES.
(ACT 009)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

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

1 SECTION 1. Section 269-7.5, Hawaii Revised Statutes, is
2 amended to read as follows:
3 **"§269-7.5 Certificates of public convenience and**
4 **necessity.** (a) No public utility, as defined in section 269-1,
5 shall commence its business without first having obtained from
6 the commission a certificate of public convenience and
7 necessity. Applications for certificates shall be made in
8 writing to the commission and shall comply with the requirements
9 prescribed in the commission's rules. The application shall
10 include the type of service to be performed, the geographical
11 scope of the operation, the type of equipment to be employed in
12 the service, the name of competing utilities for the proposed
13 service, a statement of its financial ability to render the
14 proposed service, a current financial statement of the
15 applicant, and the rates or charges proposed to be charged
16 including the rules [~~and regulations~~] governing the proposed
17 service.



1 (b) If the applicant for a certificate of public
2 convenience and necessity has any known consumers or patrons at
3 the time of the filing of the application, the applicant shall
4 notify these consumers or patrons of the rates and charges
5 proposed to be established by the application; provided that:

6 (1) The notice shall be mailed to the last known address
7 of the consumer or patron on file with the applicant
8 or the applicant's affiliates; and

9 (2) The manner and the fact of the notification shall be
10 reported to the commission,
11 within seven days from the filing of the application.

12 [~~(b)~~] (c) A certificate shall be issued to any qualified
13 applicant, authorizing the whole or any part of the operations
14 covered by the application, if it is found that the applicant is
15 fit, willing, and able properly to perform the service proposed
16 and to conform to the terms, conditions, and rules adopted by
17 the commission, and that the proposed service is, or will be,
18 required by the present or future public convenience and
19 necessity; otherwise the application shall be denied. Any
20 certificate issued shall specify the service to be rendered and
21 there shall be attached to the exercise of the privileges
22 granted by the certificate at the time of issuance and from time



1 to time thereafter, such reasonable conditions and limitations
2 as a public convenience and necessity may require. The
3 reasonableness of the rates, charges, and tariff rules [~~and~~
4 ~~regulations~~] proposed by the applicant shall be determined by
5 the commission during the same proceeding examining the present
6 and future conveniences and needs of the public and
7 qualifications of the applicant, in accordance with the
8 standards set forth in section 269-16.

9 [~~(e)~~] (d) No public utility [~~which~~] that holds a franchise
10 or charter enacted or granted by the legislative or executive
11 authority of the State or its predecessor governments, or
12 [~~which~~] that has a bona fide operation as a public utility
13 heretofore recognized by the commission, shall be required to
14 obtain a certificate of public convenience and necessity under
15 this section.

16 [~~(d)~~] (e) Any certificate [~~may~~], upon application of the
17 holder and at the discretion of the public utilities commission,
18 may be amended, suspended, or revoked, in whole or in part. The
19 commission after notice and hearing may suspend, amend, or
20 revoke any certificate in part or in whole, if the holder is
21 found to be in wilful violation of any of the provisions of this
22 chapter or with any lawful order or rule of the commission



1 adopted thereunder, or with any term, condition, or limitation
2 of the certificate."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2006, and
6 shall apply to applications for certificates of public
7 convenience and necessity filed after June 30, 2006.

1 adopted thereunder, or with any term, condition, or limitation
2 of the certificate."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2006, and
6 shall apply to applications for certificates of public
7 convenience and necessity filed after June 30, 2006.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: APR 19 2006


THE SENATE OF THE STATE OF HAWAII

Date: March 7, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate



Clerk of the Senate


**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: March 30, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives