
A BILL FOR AN ACT

RELATING TO CABLE.

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

1 SECTION 1. The legislature finds that the purpose of a one
2 call center is to provide advance warning of excavations or
3 other work close to existing subsurface installations to protect
4 those installations from damage. Under chapter 269E, Hawaii
5 Revised Statutes, the underground one call center coordinates
6 the dissemination of information on the location of underground
7 utility, cable service, and pipeline facilities. By
8 facilitating communication between the owners of these
9 facilities and prospective excavators who may inadvertently
10 damage underground facilities during excavation, the one call
11 center significantly reduces the risk of service disruption and
12 the consequent direct and indirect costs.

13 Under the current structure of chapter 269E, "operators"
14 are those who own, operate, or maintain subsurface
15 installations. Operators are required to pay the public
16 utilities commission a fee to finance the establishment and
17 operation of the one call center, and may recover this fee by
18 petitioning the public utilities commission for approval to



1 apply a portion of their public utility fee payments as a credit
2 toward their one call center fees.

3 While utilities are able to petition the public utilities
4 commission to credit their public utility fee payments toward
5 payment of their one call center fees, cable operators are
6 unable to do so because they do not pay public utility fees to
7 the commission. Instead, cable operators are under the
8 jurisdiction of the department of commerce and consumer affairs
9 and pay annual fees to the department under section 440G-15,
10 Hawaii Revised Statutes. To ensure parity among all
11 "operators", the legislature finds that cable operators should
12 also be provided with a mechanism to recover their one call
13 center fees.

14 The purpose of this Act is to allow operators of cable
15 television systems to petition the director of commerce and
16 consumer affairs to apply their one call center fee payments as
17 a credit toward their annual fee payment.

18 SECTION 2. Section 269E-6, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§269E-6[+] One call center financing. (a) To finance
21 the establishment and operation of the center and the
22 administrative costs of the commission, operators shall pay to



1 the commission a fee in an amount and at a schedule determined
2 by the commission. The commission may also assess fees on
3 excavators. All fees paid by operators and excavators shall be
4 deposited with the director of finance to the credit of the
5 public utilities commission special fund.

6 (b) All operators of subsurface installations in this
7 [~~State~~] state shall share in the operational and administrative
8 costs of the center, except where:

9 (1) All of the operator's subsurface installations are
10 located on property owned exclusively by that
11 operator; and

12 (2) The operator has not authorized another operator to
13 use the property for any subsurface installation.

14 (c) The commission may accept revenues, compensations,
15 proceeds, charges, penalties, grants, or any other payments in
16 any form[7] from any public agency or any other source.

17 (d) Any agency required to participate may charge a
18 reasonable fee in an amount sufficient to cover the
19 administrative and operational costs required by this chapter.

20 (e) Civil penalties collected pursuant to this chapter
21 shall be used by the commission to educate the operating and



1 excavating community in Hawaii and to reduce the center's
2 operating costs.

3 (f) Any operator or excavator that pays public utility
4 fees to the commission pursuant to section 269-30 may petition
5 the commission for approval to apply a portion of its public
6 utility fee payments as a credit toward its center fees.

7 (g) Any cable operator, as defined in section 440G-3, that
8 pays annual fees pursuant to section 440G-15 may petition the
9 director of commerce and consumer affairs for approval to apply
10 its center fees as a credit toward its annual fee payment."

11 SECTION 3. Section 440G-15, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The director shall adjust the fees assessed under
14 this section, as necessary from time to time, pursuant to rules
15 adopted in accordance with chapter 91[-] and as provided under
16 section 269E-6(g)."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Cable

Description:

Allows cable operators that pay annual fees to the Department of Commerce and Consumer Affairs (DCCA) to petition DCCA for approval to credit their One Call Center fees toward their annual fee payment. (HB2605 HD1)

