H.B. NO. ¹⁰⁰⁵ H.D. 2

S.D. 1 C.D. 1

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A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

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

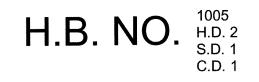
SECTION 1. (a) Progressive energy policy-making at the 1 state level is one of the most important issues on the current 2 legislative agenda. Improving the performance of regulatory 3 bodies, specifically the public utilities commission, is 4 essential to the successful implementation of current and future 5 energy policy reform. Recent legislation relies on professional 6 staff in the public utilities commission to use their skills and 7 experience to research, analyze, examine, and process 8 legislative mandates related to the commission. 9 The current organization of the public utilities commission 10 has not kept up with recent legislative initiatives, diminishing 11 the ability of the public utilities commission to perform 12 effectively in the following ways: 13 (1) Difficulty recruiting and retaining qualified 14 individuals to fill specialized positions that require 15 skills and experience that involve the performance of 16 certain functions; 17





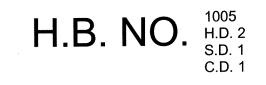
1	(2) Specialized job requirements that do not correspond					
2		with existing position descriptions and				
3		classifications;				
4	(3)	Bureaucratic obstacles in changing existing position				
5		descriptions and classifications;				
6	(4)	Salaries that are substantially below mainland agency				
7		or private-sector equivalents, especially considering				
8		the demanding and arduous job requirements; and				
9	(5)	Agency organizational structures that are archaic and				
10		unsupportive of efficient work flow or the matching of				
11		human resources to the required tasks.				
12	(b)	Act 143, Session Laws of Hawaii 2006, was passed to				
13	obtain an	in-depth review of the public utility commission's				
14	organizat	ion and to develop a comprehensive plan to effectively				
15	restructu	re the commission and enable the commission to function				
16	more effectively. A report was submitted by the public					
17	utilities	commission to the legislature in December 2006,				
18	detailing	the challenges and obstacles faced by the commission,				
19	the restr	ucturing plan to improve the operational effectiveness				
20	of the co	mmission, and the specific types and numbers of				
21	positions and other funding amounts necessary to restructure the					





1	commissio	n. The restructuring plan developed by the public	
2	utilities	commission is intended to, among other things:	
3	(1)	Increase and enhance the commission's policy analysis	
4		and research capabilities;	
5	(2)	Create regulated industry-specific professional	
6		positions to allow for focused expertise and cross-	
7		functional workgroups;	
8	(3)	Allow professional staff to focus and specialize in	
9		critical industries, while retaining the flexibility	
10		to adapt to changes in markets and environments; and	
11	(4)	Update the organization to accurately reflect current	
12		and foreseeable functional requirements, as well as to	
13		enhance the commission's focus on customer issues and	
14	concerns.		
15	(c)	The purpose of this Act is to enhance the ability of	
16	the public utilities commission to carry out its duties and		
17	responsibilities by:		
18	(1)	Requiring the commission to restructure its operations	
19		pursuant to the commission's December 2006, report to	
20		the legislature, to improve its effectiveness and	
21		efficiency; and	





1	(2) Authorizing the public utilities commission to					
2	consider the need for increased renewable energy use					
3	in exercising its authority and duties.					
4	SECTION 2. Chapter 269, Hawaii Revised Statutes, is					
5	amended by adding a new section to be appropriately designated					
6	and to read as follows:					
7	"§269- Consideration of renewable energy. The public					
8	utilities commission may consider the need for increased					
9	renewable energy use in exercising its authority and duties					
10	under this chapter."					
11	SECTION 3. Section 269-3, Hawaii Revised Statutes, is					
12	amended by amending subsection (a) to read as follows:					
13	"(a) The chairperson of the public utilities commission					
14	may appoint and employ clerks, stenographers, agents, engineers,					
15	accountants, and other assistants for the public utilities					
16	commission as the chairperson finds necessary for the					
17	performance of the commission's functions and define their					
18	powers and duties. The chairperson may appoint and, at					
19	pleasure, dismiss a chief administrator and hearings officers as					
20	may be necessary. Notwithstanding section $[+]103D-209[+]$, the					
21	chairperson shall appoint one or more attorneys independent of					
22	the attorney general who shall act as attorneys for the					





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1	commission and define their powers and duties and fix their				
2	compensation. The chief administrator, chief of policy and				
3	research, chief of administrative support, chief of consumer				
4	affairs and compliance, utility analysts, and attorneys shall be				
5	exempt from chapter 76. Research assistants, economists, legal				
6	secretaries, [utility analysts,] legal assistants, and				
7	enforcement officers may be appointed with or without regard to				
8	chapter 76. Other employees shall be appointed as may be needed				
9	by the chairperson in accordance with chapter 76."				
10	SECTION 4. (a) The public utilities commission shall				
11	restructure its operations as provided for in part IV of the				
12	public utilities commission's report to the legislature required				
13	pursuant to Act 143, Session Laws of Hawaii, 2006.				
14	(b) The restructuring shall include the following:				
15	(1) The existing research section shall be expanded to				
16	include policy support positions and functions, and				
17	shall be renamed the office of policy and research;				
18	(2) The consumer affairs and compliance section shall be				
19	responsible for consumer relations and investigation				
20	and enforcement activities of the public utilities				
21	commission;				

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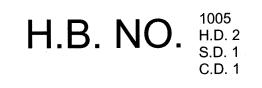
1	(3)	The admini	strative support section shall be supervised
2		by the chi	ef of administrative support and shall be
3		comprised	of clerical services staff, case management
4		services s	staff, fiscal services staff, and information
5		technology	staff;
6	(4)	Staffing s	shall be increased with the addition of the
7		following	positions:
8		(A) For f	iscal year 2008-2009:
9		(i)	A public utilities commission attorney shall
10			be responsible for providing, among other
11			things, legal support in petroleum dockets
12			and initiatives statewide, and for complaint
13			and inquiry handling;
14		(ii)	A legal assistant shall assist the chief
15			counsel in all facets of legal work;
16		(iii)	A data processing systems analyst V shall be
17			responsible for supervising information
18			technology services staff, administering the
19			document and docket management system, and
20			assisting with petroleum monitoring system
21			database management;





1	(iv)	A legal clerk shall be responsible for case
2		management services clerical support,
3		assisting the chief clerk, and performing
4		duties as citation clerk;
5	(v)	An auditor VI shall be responsible for
6		energy and petroleum dockets and issues and
7		for conducting field audit inspections;
8	(vi)	An engineer V shall be responsible for
9		energy and petroleum dockets and issues,
10		energy utility field inspections, and
11		informal inquiry handling; and
12	(vii)	A chief of consumer affairs and compliance
13		shall be responsible for supervising the
14		consumer affairs and compliance section; and
15	(B) For	fiscal year 2009-2010:
16	(i)	A public utilities commission attorney shall
17		be responsible for legal support in
18		telecommunications, dockets and issues,
19		legislative and rulemaking initiatives,
20		drafting and updating rules, and serving as
21		a hearings officer;





1 (ii)	A legal clerk shall be responsible for case
2		management services clerical support,
3		assisting the chief clerk, and performing
4		duties as citations clerk;
5 (i	ii)	An account clerk III shall be responsible
6		for handling the pCard system, maintaining
7		physical inventory, keeping fiscal records,
8		and providing fiscal support for the
9		commission;
10 (iv)	An auditor VI shall be responsible for
11		telecommunications and utility dockets and
12		related issues and conducting field audit
13		inspections;
14	(v)	An engineer V shall be responsible for
15		telecommunications and utility dockets and
16		related issues, telecommunications and
17		utility field inspections, and pipeline
18		safety inspection; and
19 (vi)	Two research assistants shall be responsible
20		for docket, non-docket, legislative, and
21		industry research, analysis, and reporting;





1	(5)	Twel	ve existing positions shall be redescribed as		
2		foll	follows:		
3		(A)	An existing attorney shall be redescribed as		
4			chief counsel to accurately reflect supervisory		
5			functions of this position, including		
6			responsibility and management of the office of		
7			commission counsel, acting as a counsel to the		
8			commission, and handling commission-related media		
9			correspondence;		
10		(B)	An existing research assistant position shall be		
11			redescribed as chief of administrative support to		
12			accurately reflect the administrative		
13			responsibilities of the position, including		
14			supervising clerical, case management, fiscal,		
15			and information technology staff;		
16		(C)	An existing chief researcher shall be redescribed		
17			as chief of policy and research to accurately		
18			represent the additional responsibilities of the		
19			policy arm of the policy and research services		
20			section. The chief of policy and research shall		
21			manage the utility analysts, research assistants,		
22			and economists; advise the commission on all		



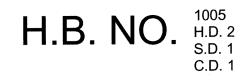
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1		regulated-industry-related matters and government
2		policy; and oversee legislative initiatives,
3		media relations, and special projects;
4	(D)	The chief engineer shall be increased from level
5		V to level VI to enable the commission to recruit
6		for the position at a higher level and to allow
7		staff level engineers to move to level V;
8	(E)	The existing legal stenographer shall be
9		redescribed as a legal assistant to update this
10		position since stenographers are no longer
11		recruited due to outdated position descriptions;
12	(F)	The existing clerk typist III position shall be
13		redescribed as a legal clerk to elevate the
14		qualifications of the position and to help meet
15		new functional requirements, including
16		maintenance of a new document and docket
17		management systems and increased citation
18		activity;
19	(G)	An existing research assistant position shall be
20		redescribed as an investigator V to accurately
21		reflect senior-level responsibilities of the
22		position; and





1		(H) Five existing research assistants shall be			
2		redescribed as utility analysts to allow for			
3		increased industry expertise and focus necessary			
4		for the new policy-making function of the policy			
5		and research section;			
6	(6)	The following temporary positions, relating to gas cap			
7		and petroleum monitoring, shall be converted to			
8		permanent positions to promote successful recruitment			
9		and retention of qualified individuals:			
10		(A) Public utilities commission economist;			
11		(B) Public utilities commission attorney;			
12		(C) Two utility analysts (previously research			
13		assistants);			
14		(D) Clerk typist II;			
15		(E) Enforcement officer; and			
16		(F) Secretary I; and			
17	(7)	Additional office space shall be leased and the office			
18		relocated.			
19	(c)	Upon request by the public utilities commission, all			
20	other sta	e and county agencies shall assist the public			
21	utilities	commission in carrying out the provisions of this Act.			
22	The depar	ment of human resources development shall work			
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1	cooperatively with the public utilities commission in renaming
2	or re-describing job descriptions as is deemed necessary by the
3	public utilities commission.
4	SECTION 5. Statutory material to be repealed is bracketed
5	and stricken. New statutory material is underscored.
6	SECTION 6. This Act shall take effect on July 1, 2007.



Report Title:

Public Utilities Commission; Restructuring

Description:

Restructures the public utilities commission. (HB1005 CD1)

