

JAN 23 2009

---

---

# A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

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

1           SECTION 1. The law requiring state agencies to be open and  
2 to allow review of governmental records is fairly clear.  
3 Section 91-2(b), Hawaii Revised Statutes, states: "No agency  
4 rule, order, or opinion shall be valid or effective against any  
5 person or party, nor may it be invoked by the agency for any  
6 purpose, until it has been published or made available for  
7 public inspection as herein required, except where a person has  
8 actual knowledge thereof."

9           Currently, a majority of state and county agencies, with  
10 the exception of the public utilities commission, notify the  
11 public about new regulatory proceedings in one or more of the  
12 following ways: website, email, or United States mail. For the  
13 past several years, the public utilities commission has had  
14 problems notifying people about new proceedings. The public  
15 utilities commission requires people to visit the public  
16 utilities commission office to review binders that may be out of  
17 date, in order to learn of proceedings.



1 Section 6-61-57(3), Hawaii Administrative Rules, allows  
2 interventions in proceedings no later than twenty days after an  
3 application is filed. The legislature finds that this rule does  
4 not take into account whether potential intervenors have had any  
5 reasonable means of determining that the proceeding has been  
6 initiated.

7 The purpose of this Act is to require the public utilities  
8 commission to provide the public with reasonable notice of  
9 regulatory proceedings by posting notifications of proceedings  
10 on its website. This Act would also change the deadline for  
11 intervention in certain proceedings from no later than twenty  
12 days after an application is filed, to no later than twenty days  
13 after the public is notified of the initiation of a proceeding.

14 SECTION 2. Section 269-1, Hawaii Revised Statutes, is  
15 amended by adding two new definitions to be appropriately  
16 inserted and to read as follows:

17 "Commission", where used in this section, means the public  
18 utilities commission of the State.

19 "Proceeding" means any matter brought before or initiated  
20 by the commission, and over which the commission has  
21 jurisdiction to entertain and dispose."



1 SECTION 3. Chapter 269, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4 "§269- Proceedings; notification. (a) Notice of any  
5 proceeding shall be posted on the commission's website within  
6 twenty-four hours after the filing of the petition or  
7 application initiating the proceeding.

8 (b) The commission may maintain an email list of  
9 individuals who wish to be notified of the commission's  
10 proceedings.

11 §269- Proceedings; time to intervene. A motion to  
12 intervene or participate in a proceeding shall be filed and  
13 served on all parties and the consumer advocate no later than  
14 twenty days after notice of initiation of the proceeding has  
15 been posted on the commission's website; provided that the  
16 proceeding is not among the following:

- 17 (1) A proposed public utility rate increase;  
18 (2) A request for issuance or transfer of a certificate of  
19 public convenience and necessity; or  
20 (3) A request for issuance or transfer of a contract  
21 carrier's permit."

22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2009.

2

INTRODUCED BY:

Mike Gifford  
Will Eyo  
Robert Brown  
F. Lee Egler  
J. L. ...  
John ...

**Report Title:**

Public Utilities Commission; Proceedings; Public Notification;  
Intervention; Website

**Description:**

Requires the public utilities commission to notify the public about new regulatory proceedings via its website and changes the deadline for intervention in certain proceedings to be no later than 20 days after posting of the preceding notice on the commission's website.



**TESTIMONY OF CARLITO P. CALIBOSO  
CHAIRMAN, PUBLIC UTILITIES COMMISSION  
DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE  
SENATE COMMITTEE ON COMMERCE & CONSUMER PROTECTION  
FEBRUARY 26, 2009**

**MEASURE: S.B.459**

**TITLE: Relating to the Public Utilities Commission.**

Chair Baker and Members of the Committee:

**DESCRIPTION:**

This bill proposes to amend Chapter 269, Hawaii Revised Statutes ("HRS"), to require the Public Utilities Commission ("Commission") to provide the public with reasonable notice relating to regulatory proceedings using its website. The bill also changes the deadlines for intervention of certain proceedings to be no later than 20 days after posting the preceding notice on the Commission's website.

**POSITION:**

The Commission appreciates the intent of the Legislature to create better transparency by means of notifying the public of new regulatory proceedings via the internet; however, the Commission feels that this bill is not necessary as the Commission has been working hard to finalize its new Docket Management System ("DMS"), which is an online database that would provide the public with access to notices of regulatory proceedings as well as other public docketed information.

**COMMENTS:**

- The Commission has been working with its contractor on DMS since 2006 and is nearing its final stages of completion. DMS will offer tools to research and monitor regulatory activities at the Commission. The public will have access to past dockets and public documents pertaining to the dockets, daily activity reports and decisions and orders that can be monitored on a daily basis.
- Earlier this week, on Tuesday, February 24, 2009, we started testing our system with a small group of public users, and if all goes as planned, we hope to make the system available to the public within the next few months.

Thank you for the opportunity to testify.



## LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai`i 96817

Phone: 533-3454; E: [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator David Y. Ige, Vice Chair

**Thursday, February 26, 2009**

8:30 a.m.

Conference Room 229

**SB 459 RELATING TO THE PUBLIC UTILITIES COMMISSION.**

**SUPPORT**

Requires the public utilities commission to notify the public about new regulatory proceedings via its website and changes the deadline for intervention in certain proceedings to be no later than 20 days after posting of the preceding notice on the commission's website.

Aloha Chair Baker, Vice Chair Ige, and Members of the Committee,

My name is Henry Curtis and I am the Executive Director of Life of the Land, Hawai`i's own energy, environmental and community action group advocating for the people and `aina for almost four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Energy policy is the cornerstone of sustainability.

As the State begins to make sharp changes in the path of our energy future, issues like smart grids, interisland cables, new rate structures, automatic meter reading, strengthening the electric grid to support electric cars, feed-in tariffs, rate decoupling, net metering, etc will all be explored, developed, refined and implemented by the PUC.

It is imperative that the PUC follows state laws with regard to open meetings, and alerting the public about new regulatory proceedings (sunshine).

While the current PUC has come a long ways, the existing public disclosure process is inadequate. The PUC has been working for several years on an information disclosure process.

#### **Public Utilities Commission Annual Report 2004-05, Page 5**

During the Fiscal Year, the Commission continued to implement initiatives that aim to meet our strategic plan's short and long-term goals, which include increasing the transparency of the regulatory process and public access to the Commission, streamlining and modernizing the regulatory process, and improving services to the public by increasing operational efficiency. All of the aforementioned goals will be accomplished with the initiation of an information technology services contract in the Fiscal Year that will result in development and implementation of a state of the art document and docket management system ("DMS") to serve as the electronic backbone of the Commission's operations. Once fully functional, the DMS will enable the Commission to, among other things, electronically consolidate and store historical information in one database, share relevant information with the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), increase the efficiency of internal document development and distribution, and allow the public to access public documents in real time via our website. Additionally, staffing initiatives to fill six (6) existing position vacancies and the creation of two new Commission positions, i.e., Chief Engineer and DPSA (Data Processing Systems Analyst) IV, occurred in the Fiscal Year. Major administrative points of focus for Fiscal Year 2005-06 will continue to include personnel recruitment and training, technological and regulatory process improvements, and public education and information transparency enhancements.

#### **Public Utilities Commission Annual Report 2005-06, Page 5**

During the Fiscal Year, the Commission continued to implement initiatives that aim to meet our strategic plan's short and long-term goals. Recruitment initiatives resulted in the hiring of eight (8) new staff members that has essentially supplemented the Commission's investigative/enforcement, documentation, research and legal sections and fulfilled the current need for in-house information technology and systems expertise. Commission staff and consultants continued to work on the development of a state of the art document and docket management system ("DMS") that will serve as the electronic backbone of the Commission's operations. Once fully functional, the DMS will enable the Commission to, among other things, electronically consolidate and store historical information in a centralized database, share relevant information with the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy, increase the efficiency of internal document development and distribution, increase the efficiency of fees collections, and allow real time access to public documents on the Commission's website. The first phases of the DMS project are planned to be implemented by the end of Fiscal Year 2006-07. Major administrative points of focus for Fiscal Year 2006-07 will include personnel recruitment and training, technological and regulatory process improvements, public education initiatives and information transparency enhancements, and enforcement activities expansion. Additionally, pursuant to Act 143, Session Laws of Hawaii 2006, the Commission will be conducting an in-depth organizational review to appropriately restructure and supplement the Commission's personnel resources.