

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE CONSUMER ADVOCATE.

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

1 SECTION 1. The legislature finds that it is crucial to
2 Hawaii's economic and environmental future to reduce the use of
3 fossil fuels in the State and expand the use of alternative and
4 renewable energy resources. In the past eight years, we have
5 witnessed an unprecedented rise in the cost of energy. The
6 September 11 terrorist attacks, natural disasters, tumultuous
7 geopolitics, and increased global demand have all contributed to
8 the meteoric rise in the cost of fossil fuels and energy. In
9 addition, pollution from increased fossil fuel use, both in the
10 developed world and in newly industrialized countries, has had a
11 potentially disastrous impact on the climate of the planet.
12 Hawaii is particularly vulnerable to these forces.

13 Hawaii has a near-total dependence on imported fossil fuels
14 for the provision of energy and transportation. A fuel
15 disruption or dramatic spike in the price of fossil fuels would
16 create a perfect storm for economic disaster here. In addition,
17 our existence as an island state makes Hawaii particularly
18 vulnerable to the violent weather patterns and rising ocean



1 levels that are predicted to take place if climate change goes
2 unabated.

3 The legislature notes that alternatives exist to these dire
4 possibilities. Hawaii has an abundance of available renewable
5 resources that may be used to produce energy for the State. Use
6 of these renewable resources would reduce our dependence on
7 imported fossil fuels and help preserve the quality of our
8 natural environment.

9 The legislature further finds that the consumer advocate
10 should take a greater role in advocating for the use of
11 alternative and renewable energy resources in the provision of
12 public utilities for Hawaii. One of the most widespread uses of
13 fossil fuels in Hawaii comes from the provision of public
14 utilities, and it is in the interest of all consumers to
15 preserve the economic and environmental future of Hawaii through
16 the increased use of alternative energy where available.

17 The purpose of this Act is to advance the goals of energy
18 independence and environmental preservation by requiring the
19 consumer advocate to advocate for the use of alternative energy
20 sources in the provision of public utilities.

21 SECTION 2. Section 269-54, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§269-54 General powers; duties. (a) The consumer
2 advocate shall have the authority expressly conferred by or
3 reasonably implied from the provisions of this part.

4 (b) The consumer advocate may:

5 (1) Adopt rules pursuant to chapter 91 necessary to
6 effectuate the purposes of this part.

7 (2) Conduct investigations to secure information useful in
8 the lawful administration of any provision of this
9 part.

10 (3) Assist, advise, and cooperate with federal, state, and
11 local agencies and officials to protect and promote
12 the interests of the consumer in the public utilities
13 field.

14 (4) Study the operation of laws affecting all consumers,
15 including small businesses, of utility services and
16 recommend to the governor and the legislature new laws
17 and amendments of laws in the consumers' interest in
18 the public utilities field.

19 (5) Organize and hold conferences on problems affecting
20 consumers of utility services.



1 (6) Perform such other acts as may be incidental to the
2 exercise of the functions, powers, and duties set
3 forth in this section.

4 (7) Represent the interests of consumers of utility
5 services before any state or federal agency or
6 instrumentality having jurisdiction over matters which
7 affect those interests.

8 (c) The consumer advocate shall consider the long-term
9 benefits of renewable resources in the consumer advocate's role
10 as consumer advocate.

11 (d) The consumer advocate shall advocate for the use of
12 renewable energy sources in the provision of public utilities
13 where the cost of using a renewable energy source is not more
14 than twenty-five per cent greater than the cost of using a
15 comparable fossil fuel and where the cost of the renewable
16 energy source is projected to decrease below the cost of the
17 comparable fossil fuel over the following ten years.

18 [~~(d)~~] (e) Whenever it appears to the consumer advocate
19 that: (1) any public utility has violated or failed to comply
20 with any provision of this part or of any state or federal law;
21 (2) any public utility has failed to comply with any rule,
22 regulation, or other requirement of the public utilities



1 commission or of any other state or federal agency; (3) any
2 public utility has failed to comply with any provision of its
3 charter or franchise; (4) changes, additions, extensions, or
4 repairs to the plant or service of any public utility are
5 necessary to meet the reasonable convenience or necessity of the
6 public; or (5) the rates, fares, classifications, charges, or
7 rules of any public utility are unreasonable or unreasonably
8 discriminatory, the consumer advocate may institute proceedings
9 for appropriate relief before the public utilities commission.
10 The consumer advocate may appeal any final decision and order in
11 any proceeding to which the consumer advocate is a party in the
12 manner provided by law.

13 ~~[(e)]~~ (f) The consumer advocate may file with the
14 commission and serve on any public utility a request in writing
15 to furnish any information reasonably relevant to any matter or
16 proceeding before the commission or reasonably required by the
17 consumer advocate to perform the duties hereunder. Any such
18 request shall set forth with reasonable specificity the purpose
19 for which the information is requested and shall designate with
20 reasonable specificity the information desired. The public
21 utility shall comply with such request within the time limit set
22 forth by the consumer advocate unless within ten days following



1 service it requests a hearing on the matter before the public
2 utilities commission and states its reasons therefor. If a
3 hearing is requested, the public utilities commission shall
4 proceed to hold the hearing and make its determination on the
5 request within thirty days after the same is filed. The
6 consumer advocate or the public utility may appeal the decision
7 of the commission on any such request, subject to chapter 602,
8 in the manner provided for civil appeals from the circuit
9 courts. Subject to the foregoing, ~~[such]~~ those requests may ask
10 the public utility to:

- 11 (1) Furnish any information with which the consumer
12 advocate may require concerning the condition,
13 operations, practices, or services of the public
14 utility;
- 15 (2) Produce and permit the consumer advocate or the
16 consumer advocate's representative to inspect and copy
17 any designated documents (including writings,
18 drawings, graphs, charts, photographs, recordings, and
19 other data compilations from which information can be
20 obtained), or to inspect and copy, test, or sample any
21 designated tangible thing which is in the possession,
22 custody, or control of the public utility; or



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1 (3) Permit entry upon land or other property in the
 2 possession or control of the utility for the purpose
 3 of inspection and measuring, surveying, photographing,
 4 testing, or sampling the property or any designated
 5 object thereon."

6 SECTION 3. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval;
 9 provided that the amendments made to section 269-54, Hawaii
 10 Revised Statutes, by section 2 of this Act shall not be repealed
 11 when section 269-59 is repealed by section 1 of Act 94, Session
 12 Laws of Hawaii 2006.

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Report Title:

Consumer Advocate; Alternative Energy

Description:

Requires the consumer advocate to advocate for the increased use of renewable energy sources in the provision of public utilities.

