

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  
F. La Folle  
J. La Folle  
John La Folle



**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.

