

L
A
T
E
S
T
I
M
O
N
Y

LINDA LINGLE
GOVERNOR OF HAWAII



MARIE C. LADERTA
DIRECTOR
CINDY S. INOUE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 10, 2010

TESTIMONY TO THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
For Hearing on Wednesday, March 10, 2010
2:00 p.m., Conference Room 325

BY

MARIE C. LADERTA, DIRECTOR

**Senate Bill No. 2809, SD2
Relating To Utilities Regulation**

(WRITTEN TESTIMONY ONLY)

TO CHAIRPERSON HERKES AND MEMBERS OF THE COMMITTEE:

The purpose of Senate Bill 2809 SD2 is to authorize sufficient funding for the operation and staffing of the public utilities commission and the Department of Commerce and Consumer Affairs' division of consumer advocacy to accomplish the objectives of those agencies and to complete the reorganization that was begun by Act 177 and Act 183, Session Laws of Hawaii 2007.

The Department of Human Resources Development (DHRD) has concerns with Section 3 (b) which states, "The department of human resources development shall work cooperatively with the public utilities commission in establishing and amending job descriptions in a timely manner as is deemed necessary by the public utilities commission."

Section 26-35, Hawaii Revised Statutes, provides that boards and commissions that are established within a principal department for administrative purposes shall be represented by the head of the department, and personnel matters shall be subject to

Senate Bill No. 2809 SD2
March 10, 2010
Page 2

the approval of the head of the department. The Public Utilities Commission is attached to the Department of Budget and Finance (B&F) for administrative purposes. As such, establishing and amending job descriptions for the PUC as proposed by Section 3(b) of SB2809, SD2, must include the review and approval by B&F's Director, otherwise, it may be contrary to existing statutes.

We find that Section 3(b) is unnecessary as we are willing to assist B&F and the PUC with their position classification needs. Therefore, we respectfully request that Section 3(b) be deleted from the bill. Thank you for the opportunity to provide comments on this bill.

L
A
T
E

T
E
S
T
I
M
O
N
Y



L
A
T
E
T
E
S
T
I
M
O
N
Y

March 10, 2010

LATE TESTIMONY

Honorable Robert N. Herkes
Chair, House Committee on Consumer Protection and Commerce

RE: SB 2809, SD2 - Relating to Utilities Regulation - Support
CPC Hearing – Conference Room 325, March 10, 2010 – 2 PM

Aloha Chair Herkes, Vice Chair Wakai, and Members of the Committee:

On behalf of tw telecom (“TWTC”), which has operated in Hawaii since 1994, providing voice, Internet and data networking, and managing nearly 25,000 access lines in the State of Hawaii, we appreciate the opportunity to offer testimony in support of this bill.

As a utility company that is regulated by Public Utilities Commission (“PUC”), we support the sufficient funding staffing for the PUC and the Division of Consumer Advocacy (“DCA”). While we know the State is currently faced with financial challenges, we believe that the recent budget and staffing cuts not only fail to protect the interests of both the utility companies and the respective consumers they serve, but do not translate into cost savings for the State.

The PUC and the DCA need to have the necessary staffing and resources for them to oversee all utility and related matters to ensure that the services utilities provide are reliable, safe and in the public interest. Although all utilities (and our ratepayers) contribute 100 percent of the funds required to operate the PUC and the DCA via the public utility fee, we understand that the PUC and DCA are currently working with limited staffing and resources, fully utilizing all available personnel to conduct the complex review and analysis required effectively regulating and overseeing Hawaii’s utility companies.

We respectfully request your support of this bill.

Sincerely,

/s/

Lyndall Nipps
Vice President, Regulatory Affairs
tw telecom - AZ, CA, CO, HI, ID, NM, OR, UT, WA
Office: 760-832-6275
Email: Lyndall.Nipps@twtelecom.com

Cliff Miyake
General Manager
tw telecom - Hawaii
Office: 808-441-8537
Email: cliff.miyake@twtelecom.com