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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:**

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

4           "§269-           Electronic documents. (a) No later than  
5 January 1, 2012, the public utilities commission shall accept  
6 any filing or application submitted pursuant to this chapter as  
7 either a conventional paper document or an electronic document.  
8 If a signature is required on any filing or application  
9 submitted electronically, that requirement shall be satisfied  
10 for an electronic document by the inclusion of an electronic  
11 signature. Chapter 489E shall apply to all electronic documents  
12 submitted pursuant to this section.

13           (b) For the purposes of this section, the following shall  
14 constitute acceptable means of submitting electronic documents:

15           (1) Completion of an internet-based form provided by the  
16 commission on the commission's website;



1       (2) Submission of information through an internet-based  
2       submission system developed and maintained by the  
3       commission;

4       (3) Submission to the commission of a CD-R, CD-RW, or  
5       similar data storage device containing documents in  
6       the form of portable document format files;

7       (4) Submission to the commission of a portable data  
8       storage device or similar technology with a universal  
9       serial bus interface containing documents in the form  
10       of portable document format files; or

11       (5) Submission to an electronic-mail address designated  
12       and maintained by the commission of an electronic-mail  
13       message with documents attached in the form of  
14       portable document format files.

15       (c) The commission may assess an electronic-document  
16       surcharge of \$                   for the purpose of recouping the cost  
17       of accepting electronic documents for each electronic document  
18       submitted pursuant to this section.

19       (d) The commission shall adopt rules pursuant to chapter  
20       91 to effectuate the purposes of this section; provided that  
21       notwithstanding the requirements of chapter 91, the commission  
22       shall permit submission of electronic documents through at least



1 one means identified in subsection (b) no later than January 1,  
2 2012."

3 SECTION 2. Chapter 271, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§271- Electronic documents. (a) No later than  
7 January 1, 2012, the commission shall accept any filing or  
8 application submitted pursuant to this chapter as either a  
9 conventional paper document or an electronic document. If a  
10 signature is required on any filing or application submitted  
11 electronically, that requirement shall be satisfied for an  
12 electronic document by the inclusion of an electronic signature.  
13 Chapter 489E shall apply to all electronic documents submitted  
14 pursuant to this section.

15 (b) For the purposes of this section, the following shall  
16 constitute acceptable means of submitting electronic documents:

17 (1) Completion of an internet-based form provided by the  
18 commission on the commission's website;

19 (2) Submission of information through an internet-based  
20 submission system developed and maintained by the  
21 commission;



1       (3) Submission to the commission of a CD-R, CD-RW, or  
2       similar data storage device containing documents in  
3       the form of portable document format files;

4       (4) Submission to the commission of a portable data  
5       storage device or similar technology with a universal  
6       serial bus interface containing documents in the form  
7       of portable document format files; or

8       (5) Submission to an electronic-mail address designated  
9       and maintained by the commission of an electronic-mail  
10       message with documents attached in the form of  
11       portable document format files.

12       (c) The commission may assess an electronic-document  
13       surcharge of \$ \_\_\_\_\_ for the purpose of recouping the cost  
14       of accepting electronic documents for each electronic document  
15       submitted pursuant to this section.

16       (d) The commission shall adopt rules pursuant to chapter  
17       91 to effectuate the purposes of this section; provided that  
18       notwithstanding the requirements of chapter 91, the commission  
19       shall permit submission of electronic documents through at least  
20       one means identified in subsection (b) no later than January 1,  
21       2012."



1 SECTION 3. Chapter 271G, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§271G- Electronic documents. (a) No later than  
5 January 1, 2012, the commission shall accept any filing or  
6 application submitted pursuant to this chapter as either a  
7 conventional paper document or an electronic document. If a  
8 signature is required on any filing or application submitted  
9 electronically, that requirement shall be satisfied for an  
10 electronic document by the inclusion of an electronic signature.  
11 Chapter 489E shall apply to all electronic documents submitted  
12 pursuant to this section.

13 (b) For the purposes of this section, the following shall  
14 constitute acceptable means of submitting electronic documents:

15 (1) Completion of an internet-based form provided by the  
16 commission on the commission's website;

17 (2) Submission of information through an internet-based  
18 submission system developed and maintained by the  
19 commission;

20 (3) Submission to the commission of a CD-R, CD-RW, or  
21 similar data storage device containing documents in  
22 the form of portable document format files;



- 1       (4) Submission to the commission of a portable data  
2       storage device or similar technology with a universal  
3       serial bus interface containing documents in the form  
4       of portable document format files; or  
5       (5) Submission to an electronic-mail address designated  
6       and maintained by the commission of an electronic-mail  
7       message with documents attached in the form of  
8       portable document format files.

9       (c) The commission may assess an electronic-document  
10      surcharge of \$                   for the purpose of recouping the cost  
11      of accepting electronic documents for each electronic-document  
12      submitted pursuant to this section.

13      (d) The commission shall adopt rules pursuant to chapter  
14      91 to effectuate the purposes of this section; provided that,  
15      notwithstanding the requirements of chapter 91, the commission  
16      shall permit submission of electronic documents through at least  
17      one means identified in subsection (b) no later than January 1,  
18      2012."

19           SECTION 4. Section 269-93, Hawaii Revised Statutes, is  
20      amended to read as follows:

21           "**[§]269-93 Achieving portfolio standard.[§]** (a) An  
22      electric utility company and its electric utility affiliates may



1 aggregate their renewable portfolios [~~in order~~] to achieve the  
2 renewable portfolio standard.

3 (b) If an electric utility company and its electric  
4 utility affiliates aggregate their renewable portfolios to  
5 achieve the renewable portfolio standard, the public utilities  
6 commission may distribute, apportion, or allocate the costs and  
7 expenses of all or any portion of the respective renewable  
8 portfolios among the electric utility company and its electric  
9 utility affiliates as is reasonable under the circumstances.

10 (c) An electric utility company may recover, through an  
11 automatic rate adjustment clause, the electric utility company's  
12 revenue requirement resulting from the distribution,  
13 apportionment, or allocation of the costs and expenses of the  
14 renewable portfolios of the electric utility company and its  
15 electric utility affiliates.

16 (d) To provide for timely recovery of the revenue  
17 requirement under subsection (c), the commission may establish a  
18 separate automatic rate adjustment clause, or approve the use of  
19 a previously approved automatic rate adjustment clause, without  
20 a rate case filing. The use of the automatic rate adjustment  
21 clause to recover the revenue requirement shall be allowed to



1 continue until the revenue requirement is incorporated in rates  
2 in the respective electric utility company's rate case."

3 SECTION 5. Section 486H-10.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§486H-10.5 Violation; penalties.** [~~Any~~] (a) The  
6 commission shall assess against any person who violates section  
7 486H-10.4 [~~shall be assessed~~] a civil penalty of \$1,000 per day  
8 for each violation.

9 (b) If the civil penalty under subsection (a) is not paid  
10 within such period as the commission may direct, the attorney  
11 general shall institute a civil action for recovery of same in  
12 circuit court."

13 SECTION 6. Section 486H-11, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) [~~The~~] In addition to carrying out section 486H-  
16 10.5(b), the attorney general shall commence a civil action to  
17 enforce section 486H-10.4 by seeking injunctive or any other  
18 appropriate relief. The civil action shall be brought in the  
19 circuit court of the circuit [~~where~~] in which the alleged  
20 violation occurred[~~7~~] or [~~where~~] in which the defendant resides  
21 or is doing business."





1           SECTION 7. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 8. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 9. This Act shall take effect on July 1, 2030.



**Report Title:**

Public Utilities; Electronic Filing; Renewable Portfolio Standard; Gasoline dealers; Public Utilities Commission; Civil Penalty

**Description:**

Directs the Public Utilities Commission to accept filings and applications electronically no later than January 1, 2012. Allows use of automatic rate adjustment clause to meet revenue requirement when electric utility company and its electric utility subsidiaries aggregate their renewable portfolios to meet renewable portfolio standards. Requires the Public Utilities Commission to impose a civil penalty against gasoline dealers who violate the law. Requires the Attorney General to institute a civil action for civil penalties not paid in a timely manner. Effective July 1, 2030. (SB1347 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

