



GOV. MSG. NO. 1172

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

May 27, 2011

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 27, 2011, the following bill was signed into law:

SB1347 SD1 HD2 CD1

RELATING TO THE PUBLIC UTILITIES  
COMMISSION  
ACT 069 (11)

*Aloha*  
Sincerely,  
*Neil Abercrombie*

NEIL ABERCROMBIE  
Governor, State of Hawaii

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2011  
STATE OF HAWAII

S.B. NO.

1347  
S.D. 1  
H.D. 2  
C.D. 1

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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 copies of documents. (a) No later  
5 than July 1, 2011, the public utilities commission shall accept  
6 from any person who submits a document to the commission the  
7 original and one electronic copy of each application, complaint,  
8 pleading, brief, or other document required to be filed with the  
9 commission pursuant to this chapter and the consumer advocate  
10 shall accept service of one paper copy and one electronic copy  
11 of each application, complaint, pleading, brief, or other  
12 document filed with the commission.

13           (b) The commission shall adopt rules pursuant to chapter  
14 91 to effectuate the purposes of this section. Until the final  
15 adoption by the commission of rules governing the electronic  
16 filing of documents with the commission, the following  
17 requirements shall apply to all documents submitted to the  
18 commission pursuant to this section; provided that additional



1 requirements with regard to document format may be established  
2 by the commission through written guidelines:

3 (1) Unless otherwise required by this chapter or the rules  
4 or guidelines of the commission, each person who  
5 submits or files an application, complaint, pleading,  
6 brief, or other document shall submit to or file with  
7 the commission an original and one electronic copy of  
8 each document and shall serve one paper copy and one  
9 electronic copy of each document on the consumer  
10 advocate;

11 (2) All paper documents submitted to or filed with the  
12 commission shall be printed on one side of the page  
13 only and, if practicable, in portrait orientation;

14 (3) Original paper documents submitted to or filed with  
15 the commission shall not be stapled but shall be  
16 clipped together or placed in a clearly marked three-  
17 ring binder, as appropriate;

18 (4) All paper documents filed or submitted to the  
19 commission shall include appropriately labeled  
20 separator pages in addition to tabbed dividers, as  
21 applicable;



1       (5) All confidential documents filed under confidential  
2       seal shall be clearly designated in accordance with  
3       the requirements of any applicable protective order,  
4       and the sealed envelope in which the confidential  
5       documents are enclosed shall clearly indicate the  
6       appropriate docket number and subject;

7       (6) Electronic documents shall be submitted on a clearly  
8       marked compact disk and shall be in portable document  
9       format saved in separate files corresponding to the  
10       original paper document submission; provided that  
11       electronic documents submitted under confidential seal  
12       shall be submitted on a separate compact disk, clearly  
13       marked as confidential and indicating the appropriate  
14       docket number and subject; and

15       (7) Electronic documents shall be named using the filing  
16       party's name, docket number, date of filing, and name  
17       of document as part of the document title.

18       Upon final adoption of rules pursuant to chapter 91, the  
19       rules of the commission governing submission or filing of  
20       electronic documents shall supersede the provisions of this  
21       subsection.



1       (c) No later than July 1, 2013, the public utilities  
2 commission shall accept any application, complaint, pleading,  
3 brief, or other document required to be filed with the  
4 commission pursuant to this chapter as either a paper document  
5 or an electronic document.

6       (d) If a signature is required on any document submitted  
7 electronically pursuant to this section, that requirement shall  
8 be satisfied by the inclusion of an electronic signature.  
9 Chapter 489E shall apply to all electronic documents submitted  
10 pursuant to this section."

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

14       "§271-    Electronic copies of documents. (a) No later  
15 than July 1, 2011, the public utilities commission shall accept  
16 from any person who submits a document to the commission the  
17 original and one electronic copy of each application, complaint,  
18 pleading, brief, or other document required to be filed with the  
19 commission pursuant to this chapter and the consumer advocate  
20 shall accept service of one paper copy and one electronic copy  
21 of each application, complaint, pleading, brief, or other  
22 document filed with the commission.

1        (b) The commission shall adopt rules pursuant to chapter  
2 91 to effectuate the purposes of this section. Until the final  
3 adoption by the commission of rules governing the electronic  
4 filing of documents with the commission, the following  
5 requirements shall apply to all documents submitted to the  
6 commission pursuant to this section; provided that additional  
7 requirements with regard to document format may be established  
8 by the commission through written guidelines:

9        (1) Unless otherwise required by this chapter or the rules  
10 or guidelines of the commission, each person who  
11 submits or files an application, complaint, pleading,  
12 brief, or other document shall submit to or file with  
13 the commission an original and one electronic copy of  
14 each document and shall serve one paper copy and one  
15 electronic copy of each document on the consumer  
16 advocate;

17        (2) All paper documents submitted to or filed with the  
18 commission shall be printed on one side of the page  
19 only and, if practicable, in portrait orientation;

20        (3) Original paper documents submitted to or filed with  
21 the commission shall not be stapled but shall be



- 1           clipped together or placed in a clearly marked three-  
2           ring binder, as appropriate;
- 3       (4) All paper documents filed or submitted to the  
4           commission shall include appropriately labeled  
5           separator pages in addition to tabbed dividers, as  
6           applicable;
- 7       (5) All confidential documents filed under confidential  
8           seal shall be clearly designated in accordance with  
9           the requirements of any applicable protective order,  
10           and the sealed envelope in which the confidential  
11           documents are enclosed shall clearly indicate the  
12           appropriate docket number and subject;
- 13       (6) Electronic documents shall be submitted on a clearly  
14           marked compact disk and shall be in portable document  
15           format saved in separate files corresponding to the  
16           original paper document submission; provided that  
17           electronic documents submitted under confidential seal  
18           shall be submitted on a separate compact disk, clearly  
19           marked as confidential and indicating the appropriate  
20           docket number and subject; and



1        (7) Electronic documents shall be named using the filing  
2        party's name, docket number, date of filing, and name  
3        of document as part of the document title.

4        Upon final adoption of rules pursuant to chapter 91, the  
5        rules of the commission governing submission or filing of  
6        electronic documents shall supersede the provisions of this  
7        subsection.

8        (c) No later than July 1, 2013, the public utilities  
9        commission shall accept any application, complaint, pleading,  
10       brief, or other document required to be filed with the  
11       commission pursuant to this chapter as either a paper document  
12       or an electronic document.

13       (d) If a signature is required on any document submitted  
14       electronically pursuant to this section, that requirement shall  
15       be satisfied by the inclusion of an electronic signature.

16       Chapter 489E shall apply to all electronic documents submitted  
17       pursuant to this section."

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

21       "§271G-    Electronic copies of documents. (a) No later  
22       than July 1, 2011, the public utilities commission shall accept





1 from any person who submits a document to the commission the  
2 original and one electronic copy of each application, complaint,  
3 pleading, brief, or other document required to be filed with the  
4 commission pursuant to this chapter and the consumer advocate  
5 shall accept service of one paper copy and one electronic copy  
6 of each application, complaint, pleading, brief, or other  
7 document filed with the commission.

8 (b) The commission shall adopt rules pursuant to chapter  
9 91 to effectuate the purposes of this section. Until the final  
10 adoption by the commission of rules governing the electronic  
11 filing of documents with the commission, the following  
12 requirements shall apply to all documents submitted to the  
13 commission pursuant to this section; provided that additional  
14 requirements with regard to document format may be established  
15 by the commission through written guidelines:

16 (1) Unless otherwise required by this chapter or the rules  
17 or guidelines of the commission, each person who  
18 submits or files an application, complaint, pleading,  
19 brief, or other document shall submit to or file with  
20 the commission an original and one electronic copy of  
21 each document and shall serve one paper copy and one



- 1           electronic copy of each document on the consumer  
2           advocate;
- 3           (2) All paper documents submitted to or filed with the  
4           commission shall be printed on one side of the page  
5           only and, if practicable, in portrait orientation;
- 6           (3) Original paper documents submitted to or filed with  
7           the commission shall not be stapled but shall be  
8           clipped together or placed in a clearly marked three-  
9           ring binder, as appropriate;
- 10          (4) All paper documents filed or submitted to the  
11          commission shall include appropriately labeled  
12          separator pages in addition to tabbed dividers, as  
13          applicable;
- 14          (5) All confidential documents filed under confidential  
15          seal shall be clearly designated in accordance with  
16          the requirements of any applicable protective order,  
17          and the sealed envelope in which the confidential  
18          documents are enclosed shall clearly indicate the  
19          appropriate docket number and subject;
- 20          (6) Electronic documents shall be submitted on a clearly  
21          marked compact disk and shall be in portable document  
22          format saved in separate files corresponding to the



1           original paper document submission; provided that  
2           electronic documents submitted under confidential seal  
3           shall be submitted on a separate compact disk, clearly  
4           marked as confidential and indicating the appropriate  
5           docket number and subject; and

6           (7) Electronic documents shall be named using the filing  
7           party's name, docket number, date of filing, and name  
8           of document as part of the document title.

9           Upon final adoption of rules pursuant to chapter 91, the  
10          rules of the commission governing submission or filing of  
11          electronic documents shall supersede the provisions of this  
12          subsection.

13          (c) No later than July 1, 2013, the public utilities  
14          commission shall accept any application, complaint, pleading,  
15          brief, or other document required to be filed with the  
16          commission pursuant to this chapter as either a paper document  
17          or an electronic document.

18          (d) If a signature is required on any document submitted  
19          electronically pursuant to this section, that requirement shall  
20          be satisfied by the inclusion of an electronic signature.

21          Chapter 489E shall apply to all electronic documents submitted  
22          pursuant to this section."



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

3 "[~~f~~]§269-93 Achieving portfolio standard.[~~f~~] (a) An  
4 electric utility company and its electric utility affiliates may  
5 aggregate their renewable portfolios [~~in order~~] to achieve the  
6 renewable portfolio standard.

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

15 (c) An electric utility company may recover, through an  
16 automatic rate adjustment clause, the electric utility company's  
17 revenue requirement resulting from the distribution,  
18 apportionment, or allocation of the costs and expenses of the  
19 renewable portfolios of the electric utility company and its  
20 electric utility affiliates.

21 (d) To provide for timely recovery of the revenue  
22 requirement under subsection (c), the commission may establish a



1 separate automatic rate adjustment clause, or approve the use of  
2 a previously approved automatic rate adjustment clause, without  
3 a rate case filing. The use of the automatic rate adjustment  
4 clause to recover the revenue requirement shall be allowed to  
5 continue until the revenue requirement is incorporated in rates  
6 in the respective electric utility company's rate case."

7 SECTION 5. The public utilities commission shall submit a  
8 report to the legislature no later than twenty days prior to the  
9 convening of the 2012 regular session on the commission's  
10 progress in implementing electronic filing of any and all  
11 documents required to be submitted to or filed with the  
12 commission. The report required by this section shall include  
13 information on the public utilities commission's comprehensive  
14 plan to accept electronic filings, a list of hardware and  
15 software required for the public utilities commission to comply  
16 with the requirements of this Act by July 1, 2013, current funds  
17 allocated for the acceptance of electronic documents,  
18 requirements for additional funding including a detailed budget  
19 request and recommendations for a document surcharge if  
20 necessary to fully implement the requirements of this Act, and  
21 recommendations for further legislation if necessary to

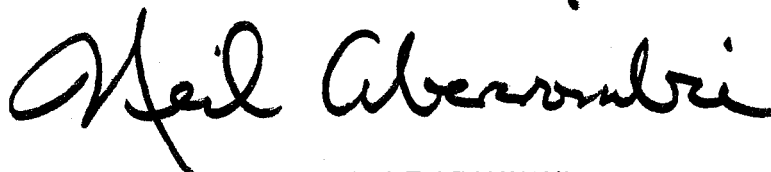


1 implement the findings and plan to accept electronic filing  
2 contained in the report.

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

5 SECTION 7. This Act shall take effect on July 1, 2011.

APPROVED this 27<sup>th</sup> day of May, 2011



GOVERNOR OF THE STATE OF HAWAII