

SB 1347

**Measure
Title:**

RELATING TO THE PUBLIC UTILITIES COMMISSION.

**Report
Title:**

Public Utilities; Electronic Filing

Description:

Allows public utilities to make electronic filings with the public utilities commission.

Companion:

Package:

None

**Current
Referral:**

CPN



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TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

THURSDAY, FEBRUARY 24, 2011
9:00 A.M.

TESTIMONY OF JEFFREY T. ONO, EXECUTIVE DIRECTOR,
DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS, TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND
MEMBERS OF THE COMMITTEE

SENATE BILL NO. 1347 – RELATING TO THE PUBLIC UTILITIES COMMISSION.

DESCRIPTION:

This measure proposes to allow public utilities to file applications for rate changes either electronically or as paper documents with the Public Utilities Commission ("Commission").

POSITION:

The Division of Consumer Advocacy ("Consumer Advocate") strongly supports this measure.

COMMENTS:

This measure seeks to modernize the Commission's practices and procedures by providing public utilities with the option of filing their applications for rate changes as either an electronic document or a paper filing. The Consumer Advocate notes that the amendment builds upon trends seen in the nation's federal court systems and the Hawaii appeals court system which permit electronic filing of court documents. The Consumer Advocate believes that the proposed amendment would streamline the regulatory process for those entities regulated by the Commission and would result in efficiencies in terms of the reduction of duplicated effort by Commission staff (for

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Senate Committee on Commerce and Consumer Protection
Thursday, February 24, 2011, 9:00 a.m.
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example, file stamping paper applications received by the Commission, scanning paper filings into the Commission's Document Management System, etc.).

It should be noted that the Commission and the Consumer Advocate are aware of the potential benefits of having an electronic filing system made possible. The Commission and Consumer Advocate identified the need for an electronic filing system early on in the RFP process used to develop the current Document Management System. However, due to various problems associated with the code used to develop the electronic filing system, that feature has not yet been made available. Additional consideration and resources will be required to make this feature available.

In addition, the Consumer Advocate also notes that as currently drafted, the proposed legislation would only require the ability to file electronically for applications filed under HRS § 269-16. The Consumer Advocate recommends that the requirement to allow electronic filings should be expanded to all filings, not just applications, and for all types of applications, not just the applications filed subject to HRS § 269-16. The Consumer Advocate also recommends that this measure acknowledge the need for the appropriate rulemaking procedures as the implementation of electronic filing will require a number of changes to the Commission's current rules of practice and procedure.

Thank you for this opportunity to testify.

**TESTIMONY OF CARLITO P. CALIBOSO
CHAIRMAN, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
FEBRUARY 24, 2011**

MEASURE: **S.B. No. 1347**
TITLE: **Relating to Public Utilities Commission.**

Chair Baker and Members of the Committee:

DESCRIPTION:

This bill allows public utilities to make electronic filings with the Public Utilities Commission ("Commission").

POSITION:

The Commission opposes this bill as currently drafted, and provides the following comments.

COMMENTS:

Although the Commission generally supports measures that will increase our operational efficiency, the measures that are implemented, first and foremost, must allow the Commission to maintain the integrity of our official records. As currently drafted, this bill is unclear as to what an "electronic filing" is, and how this change will comply with applicable Hawaii Administrative Rules, Title 6, Chapter 61, *Rules of Practice and Procedure Before the Public Utilities Commission*, among other things. Passing this bill as currently written, and without appropriate safeguards and procedures and an electronic filing system would open the Commission up to having an unclear and potentially sloppy official record.

Thank you for the opportunity to testify.

SB 1347

RELATING TO THE PUBLIC UTILITIES COMMISSION

KEN HIRAKI
VICE PRESIDENT
GOVERNMENT AND COMMUNITY AFFAIRS

HAWAIIAN TELCOM

February 24, 2011

Chair Baker and members of the Senate Commerce and Consumer Protection Committee:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom on SB 1347, Relating to the Public Utilities Commission.

The purpose of this measure is to amend HRS 269 by allowing regulated utilities the option to electronically file certain required documents with the Public Utilities Commission (PUC). Hawaiian Telcom supports this "green" initiative.

The advantages of electronic filing are compelling. Numerous governmental agencies on the federal, state, and local levels have embraced electronic filing of documents to promote operational efficiency, reduce labor and paper costs, and conserve natural resources. Presently, Hawaiian Telcom's required PUC filings are confined to either regular mail or hand-delivery of the original paper document plus multiple copies (sometimes up to twelve extra copies). Electronic filing will also increase governmental transparency and speed up the posting of public documents on the PUC website by removing delivery and reproduction delays inherent with regular mail or hand-delivery.

Hawaiian Telcom supports the recommendation from the Consumer Advocate requesting that the bill be amended to allow electronic filing for all filings and applications. We suggest the bill be amended on page 1, line 8 to read as follows:

(a) All rates, fares, charges, classifications, schedules, rules, and practices made, charged, or observed by any public utility or by two or more public utilities jointly shall be just and reasonable and shall be filed either electronically or as paper documents with the public utilities commission. In addition, any other filings that any public utility makes with the public utilities commission shall be made either electronically or as paper documents. If a document must be signed as a condition for filing, the requirement is satisfied by an electronic signature. The rates, fares, classifications, charges, and rules of every public utility shall be published by the public utility in such manner as the public utilities commission may require, and copies shall be furnished to any person on request.

In this era of technology, Hawaiian Telcom supports the growing governmental trend toward adoption of electronic delivery of documents as an acceptable alternative to paper delivery.

Based on the aforementioned, Hawaiian Telcom respectfully requests that this measure be passed. Thank you for the opportunity to testify.