
A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 269-7.5, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§269-7.5 Certificates of public convenience and**
4 **necessity.** (a) No public utility, as defined in section 269-1,
5 shall commence its business without first having obtained from
6 the commission a certificate of public convenience and
7 necessity. Applications for certificates shall be made in
8 writing to the commission and shall comply with the requirements
9 prescribed in the commission's rules. The application shall
10 include the type of service to be performed, the geographical
11 scope of the operation, the type of equipment to be employed in
12 the service, the name of competing utilities for the proposed
13 service, a statement of its financial ability to render the
14 proposed service, a current financial statement of the
15 applicant, and the rates or charges proposed to be charged
16 including the rules governing the proposed service.

17 (b) If the applicant for a certificate of public
18 convenience and necessity has any known consumers or patrons at



1 the time of the filing of the application, the applicant shall
2 notify these consumers or patrons of the rates and charges
3 proposed to be established by the application; provided that:

4 (1) The notice shall be mailed to the last known address
5 of the consumer or patron on file with the applicant
6 or the applicant's affiliates; and

7 (2) The manner and the fact of the notification shall be
8 reported to the commission,

9 within seven days from the filing of the application.

10 (c) A certificate shall be issued to any qualified
11 applicant, authorizing the whole or any part of the operations
12 covered by the application, if it is found that the applicant is
13 fit, willing, and able properly to perform the service proposed
14 and to conform to the terms, conditions, and rules adopted by
15 the commission, and that the proposed service is, or will be,
16 required by the present or future public convenience and
17 necessity; otherwise the application shall be denied. Any
18 certificate issued shall specify the service to be rendered and
19 there shall be attached to the exercise of the privileges
20 granted by the certificate at the time of issuance and from time
21 to time thereafter, such reasonable conditions and limitations
22 as a public convenience and necessity may require. The



1 reasonableness of the rates, charges, and tariff rules proposed
2 by the applicant shall be determined by the commission during
3 the same proceeding examining the present and future
4 conveniences and needs of the public and qualifications of the
5 applicant, in accordance with the standards set forth in section
6 269-16.

7 (d) In considering an application for a certificate of
8 public convenience and necessity submitted by an electric
9 utility, the commission shall consider the:

- 10 (1) Proven effectiveness and reliability of the technology
11 and methods that will be used to generate electricity;
12 (2) Levels of carbon emissions and other greenhouse gases
13 that will be emitted from electricity generation
14 facilities; and
15 (3) Costs to consumers of electricity generated by the
16 facility as compared to costs of electricity generated
17 by facilities using other methods for generating
18 electricity.

19 ~~[(d)]~~ (e) No public utility that holds a franchise or
20 charter enacted or granted by the legislative or executive
21 authority of the State or its predecessor governments, or that
22 has a bona fide operation as a public utility heretofore



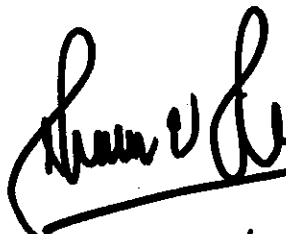
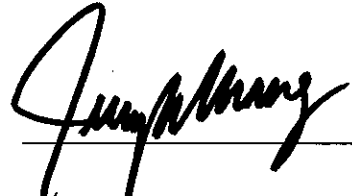
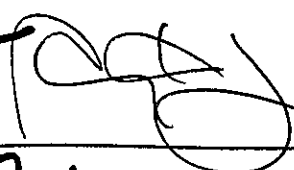



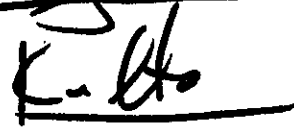


1 recognized by the commission, shall be required to obtain a
2 certificate of public convenience and necessity under this
3 section.

4 ~~[(e)]~~ (f) Any certificate, upon application of the holder
5 and at the discretion of the public utilities commission, may be
6 amended, suspended, or revoked, in whole or in part. The
7 commission after notice and hearing may suspend, amend, or
8 revoke any certificate in part or in whole, if the holder is
9 found to be in wilful violation of any of the provisions of this
10 chapter or with any lawful order or rule of the commission
11 adopted thereunder, or with any term, condition, or limitation
12 of the certificate."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.
16

INTRODUCED BY:



Report Title:

Public Utilities Commission; Certificate of Public Convenience and Necessity

Description:

Requires the PUC to consider technology, carbon emissions, and cost to consumers when considering an electric utility's application for a certificate of public convenience and necessity.

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

