



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
Richard C. Lim
Director

Department of Business, Economic Development, and Tourism
before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Monday, March 25, 2013

3:00 PM

House Capitol, Conference Room 325

in consideration of

SB 19, SD1, HD1 RELATING TO RENEWABLE ENERGY.

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent on SB 19, SD1, HD1. This measure would exempt owners and lessors who install renewable energy systems on their property and sell the electricity generated to their tenants or lessees on their premise from the definition of “public utility.”

We believe this bill would allow renters and lessees the ability to take advantage of fixed rate renewable energy, simultaneously accelerating the adoption of renewable energy in Hawaii and helping the State meet its clean energy objectives.

DBEDT respectfully offers the following comments:

- The language of the bill on page 7, line 19 through page 8, line 3 is problematic because it appear to enable the development of large unregulated energy projects serving a vast community. For example, a

housing developer owning several adjacent parcels separated by a transportation easement would be allowed to generate power on one parcel and then sell that power across all parcels, which could possibly include hundreds of tenants. This situation appears to be analogous to a public utility and should be regulated as such to ensure reliability, safety and fairness.

We defer to the Public Utilities Commission (PUC) on the appropriate treatment of the concerns mentioned above.

Thank you for the opportunity to offer these comments.



NEIL ABERCROMBIE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310

P.O. Box 541

HONOLULU, HAWAII 96809

Phone Number: 586-2850

Fax Number: 586-2856

www.hawaii.gov/dcca

KEALI' I S. LOPEZ
DIRECTOR

JO ANN UCHIDA TAKEUCHI
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE
ON CONSUMER PROTECTION AND COMMERCE

THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

MONDAY, MARCH 25, 2013
3:00 P.M.

TESTIMONY OF JEFFREY T. ONO, EXECUTIVE DIRECTOR, DIVISION OF
CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER
AFFAIRS, TO THE HONORABLE ANGUS L. K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE

SENATE BILL NO. 19, S.D. 1, H.D. 1 - RELATING TO RENEWABLE ENERGY

DESCRIPTION:

This measure proposes to exempt entities that provides, sells, or transmits power generated by a renewable energy system to an electric utility, lessee, or tenant from the definition of a public utility.

POSITION:

The Division of Consumer Advocacy ("Consumer Advocate") supports S.B. No. 19, S.D. 1, H.D. 1 and offers the following comments and suggested revisions.

COMMENTS:

This bill provides an opportunity for renters to be able to benefit from the cost-savings of renewable energy systems, such as solar photovoltaic ("solar pv") systems, without having to incur the cost of installing the systems themselves. It further

provides landlords with investment opportunities that could ultimately benefit both the landlord and the tenant.

Insofar as a landlord who places a renewable energy system on the property that is occupied by the tenant, exception (M) to Hawaii Revised Statutes Section 269-1 already provides that that landlord would not be a “public utility.” This is consistent with the Public Utilities Commissions’ (“PUC”) decision and order in the Maui Kele Shopping Center request for declaratory ruling Docket No. 2011-0329.

The Consumer Advocate expressed concerns over electrical grid reliability and safety with respect to the original version of S.B. 19. The amended version, S.B. No. 19, S.D. 1, H.D. 1 addresses those concerns.

Furthermore, the Consumer Advocate questioned whether the original bill provided sufficient safeguards to tenants who may not be on equal bargaining power with landlords or lessors. The Consumer Advocate suggested revisions to S.B. No. 19, which have been adopted in the amended version of this bill, S.B. No. 19, S.D. 1, H.D. 1.

The Consumer Advocate therefore supports S.B. 19, S.D. 1, H.D. 1.

Thank you for this opportunity to testify.

TESTIMONY OF HERMINA MORITA
CHAIR, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

MARCH 25, 2013
3:00 p.m.

MEASURE: S.B. No. 19, S.D. 1, H.D. 1
TITLE: Relating to Renewable Energy

Chair McKelvey and Members of the Committee:

DESCRIPTION:

This measure proposes to create a specific exemption from the definition of “public utility” under Section 269-1, Hawaii Revised Statutes, for landlords and lessors who sell electricity produced by renewable energy systems located on the landlord’s or lessor’s property to tenants and lessees occupying such property. S.B. No. 19, S.D. 1, H.D. 1 limits the proposed exemption to only renewable energy systems where the system owner and the tenant purchasing electricity service are served by the same utility meter and service connection. A landlord’s property under this measure is defined as including contiguous property which may be interrupted by easements, transportation rights-of-way, and utility rights-of-way. Also, this measure sets the maximum level for rates charged to a tenant purchasing electricity service at the rate charged by the incumbent electric utility company.

POSITION:

The Public Utilities Commission (“Commission”) would like to offer the following comments for the Committee’s consideration.

COMMENTS:

If the intent of this measure is to narrowly clarify that a landlord or lessor selling electricity generated from a renewable energy system on a property occupied by a tenant or lessee is not a public utility, then the Commission believes that additional

amendments must be made to this measure if this Committee wishes to address concerns raised in previous testimony and recognized as significant by the previous Committee, but which were inadvertently omitted in the current draft. Specifically, the Commission would ask that the Committee consider deleting the following language found at page 7, line 14 to page 8, line 15 in its entirety:

...and in which the owner or lessor and the lessee or tenant are served by the same utility meter and service connection; provided that, for purposes of this subparagraph, a person's property shall include all contiguous property controlled by such person by fee ownership or by lease, sublease, easement, or other means of property control without regard to interruptions in contiguity caused by easements, transportation rights-of-way, and utility rights-of-way; provided further that the rate schedule charged to the lessee or tenant for the power generated by the renewable energy system shall under no circumstances be greater than the rate charged per kilowatt hour by the electric utility and shall be established for the duration of the lease and that the lease agreement entered into by the lessee or tenant reflects such rate schedule and provides disclosure that the rate shall under no circumstances be greater than the rate charged by the electric utility.

The deletion above would result in legislation that limits the exemption to landlord-tenant arrangements that have already been addressed through case law and Commission precedent, but it would still retain the Commission's authority to review larger projects that may cross the bounds of the proposed exemption and would involve issues affecting the public health, safety, and welfare.

As noted in previous testimony, not all landlord-tenant agreements or projects are standardized, and safeguards should be in place to ensure that property owners selling

electricity to tenants do not reach a level where they are acting as a de facto public utility. Again, existing case law and precedent can address the typical situation of a single or multi-family unit on one defined parcel providing electricity to a tenant or tenants using a renewable energy system, and the amendments to this measure suggested above reflect that situation.

Furthermore, if an electricity provider would like to remain unregulated by the Commission, there are alternative organizational structures available, such as a consumer cooperative or Agricultural Park models. However, if the intent is to sell electricity at a profit and bind multiple tenants or lessees to an electricity purchase contract, the Legislature should be well informed as to the ramifications of making such an entity exempt from regulation for an essential service.

Thank you for the opportunity to testify on this measure.



HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

March 25, 2013, 3:00 P.M.

Room 325

(Testimony is 3 pages long)

TESTIMONY IN SUPPORT OF SB19 SD1 HD1

Chair McKelvey, Vice-Chair Kawakami, and members of the Committee,

The Blue Planet Foundation **supports** SB 19. In sum, SB 19 is sensible because it can promote renewable energy in the under-served rental market, by eliminating ambiguity for landlords about whether they will be classified as a public utility if they install renewable energy resources to meet their tenants electricity needs.

However, we **suggest an amendment**. The language in SD1 HD1 may be interpreted to mean that the exemption is limited to the narrow circumstance where there is (a) one electric meter on the rental property, and (b) one tenant on the rental property. By narrowing the applicability in this way, SD1 HD1 restricts access to renewable energy for potentially 100,000 or more rental households in multi-unit properties.¹ We understand that there are potential concerns about very large multi-unit rental properties being unregulated. But SD1 HD1 currently carves out even smaller multi-unit properties. We urge the Committee to delete the “one meter, one tenant” language, in place of a simple restriction that SB 19’s exemption will apply to multi-unit rental properties with 19 or fewer units. This will broaden SB 19 to potentially 40,000 more rental properties.

As described below, there are 3 reasons to make SB 19 applicable to more rental households:
(1) Tenants deserve equal access to renewable energy solutions;

¹ Derived from information available from the U.S. Census Bureau, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_5YR_DP04. 108,000 is the approximate number of rental households in multi-unit structures with more than two units, obtained by multiplying the total number of such households, by the statewide home ownership rate. Note that if the proportion of rental units in multi-unit structures is higher than in single-unit structures, then the number of multi-unit rental households may be higher than 108,000. Using the same methodology, there are approximately 40,000 households in multi-unit rental properties with more than 2 units, and less than 20 units.

- (2) Landlords are far more like other exempt entities under H.R.S. Ch. 269, and are not the same as regulated utilities like HECO;
- (3) Hawaii’s landlord-tenant code (H.R.S. Ch. 521) already contains provisions to ensure that tenants are protected, and specifically requires landlords to maintain electrical facilities in good working order.

RENTERS DESERVE EQUAL ACCESS TO RENEWABLE ENERGY

Hawaii must do all it can to help residents—homeowners and renters alike—use renewable energy as a solution to high energy prices and detrimental reliance on fossil fuels. But current rules unfortunately prolong a “split incentive” problem in many rental contexts. Where a landlord would be responsible for purchasing renewable energy equipment, but the tenant would be responsible for paying the energy bill, their incentives are not aligned. Landlords would spend, but tenants would save. Thus, while many homeowners are accessing renewable energy, solutions for tenants have been more scarce. SB 19 helps to unlock these split incentives by allowing landlords to recoup the upfront cost of renewable energy from the savings that tenants will enjoy on their bills. SB 19 achieves this without imposing onerous regulations on landlords, and without imposing additional regulatory duties on the Public Utilities Commission.

SB 19 TREATS LANDLORDS LIKE OTHER SIMILAR ENTITIES UNDER H.R.S. Ch. 269

SB 19 proposes to treat landlords in a way that is consistent with the way the term “public utility” is contemplated under existing law. Generally, the defined term “public utility” establishes regulatory oversight for industries that serve the public at large, or operate where infrastructure or other barriers impose a de facto monopoly on the public. Neither of these characteristics are applicable to landlords. Existing provisions in H.R.S. § 269-1 sensibly carve out exceptions where these general characteristics are not met. For example, although “common carriers” are generally regulated as public utilities (dating to times when common carriers were typically trains, or ships, carrying large numbers of the public), **taxi cabs are exempt**. See H.R.S. 269-1(2)(B). Similarly, water carriers are exempt in situations where they enter into “**private contracts**” and their operation is **not “on behalf of the public generally.”** H.R.S. § 269-1(2)(E). Landlords similarly enter into private contracts with their tenants. And as described below, tenants are protected in the context of those private agreements.

HAWAII’S LANDLORD TENANT CODE ALREADY PROVIDES PROTECTIONS LIKE THOSE APPLICABLE UNDER H.R.S. Ch. 269

In a third example of an exemption under the definition of “public utility,” water recyclers are not public utilities where they sell water to entities not covered by a “state or county service contract.” H.R.S. § 269-1(2)(J)(iv). To address the fact that these water recyclers are not regulated utilities, H.R.S. § 269-1 clarifies that “in the absence of regulatory oversight and direct competition, the distribution and sale of recycled or reclaimed water shall be voluntary and **its**

pricing fair and reasonable.” *Id.* If SB 19 is passed, similar protections are already in place for tenants under the landlord-tenant code. H.R.S. § 521-42 states that a “landlord shall at all times during the tenancy . . . [m]aintain all electrical . . . facilities . . . appliances supplied by the landlord in good working order.” And in addition to numerous other protections for tenants, H.R.S. § 521-75 prohibits landlord from imposing any “unconscionable” conditions in rental agreements.

For all of these reasons, we urge you broaden the scope of SB 19. Thank you for this opportunity to testify.

March 23, 2013

The Hon. Angus L. K. McKelvey, Chair, and
Members of the House Committee on
Consumer Protection & Commerce

Re: Testimony in **Support** of SB 19, SD 1, Relating to Renewable Energy
Hearing: 3:00 p.m., March 25, 2013
Conference Room 325, Hawaii State Capitol

Dear Chair McKelvey and Members of the Committee:

I am submitting this testimony on behalf of NAIOP Hawaii in **support** of S.B. 19, S.D. 1, relating to renewable energy. We are the Hawaii chapter of NAIOP, the Commercial Real Estate Development Association, which is the leading national organization for developers, owners and related professionals in office, industrial and mixed-use real estate. The local chapter comprises property owners, managers, developers, financial institutions and real estate related professionals who are involved in the areas of commercial and industrial real estate in the State of Hawaii.

NAIOP Hawaii supports this measure, which would allow landlords to provide renewable energy to tenants without becoming classified as a "public utility." We understand that certain landlords may have been deterred from developing renewable energy for provision to their tenants because of their concern they will become a utility subject to regulation by the Public Utilities Commission. This measure would clarify that the definition of "public utility" is not intended to cover such a situation.

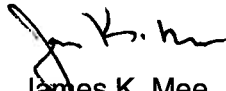
The one area of the present bill that gives us some concern is that it would restrict the ability to provide power to situations where there is only one meter and service connection. Many properties are set up so that tenants are individually metered. Rather than simply prohibiting the landlord to develop renewable energy in such a situation, we would suggest that the situation be addressed directly by deleting the restriction and inserting language along the lines of "provided further that such person does not use an electric utility's facilities to provide, sell or transmit power to a lessee or tenant."

Given Hawaii's efforts to lessen dependence on fossil fuel and to encourage development of alternative energy, it makes sense to encourage landlords to provide viable renewable energy programs that can lower the costs of electricity for tenants.

The Hon. Angus L.K. McKelvey, and
Members of the House Committee on
Consumer Protection & Commerce
March 23, 2013
Page 2

Thank you for the opportunity to submit our testimony on this measure.

Respectfully,

A handwritten signature in black ink, appearing to read "James K. Mee".

James K. Mee
Chair, Legislative Affairs Committee



Directors

Jody Allione
AES-Solar

Joe Boivin
The Gas Company

Kelly King
Pacific Biodiesel

Warren S. Bollmeier II
WSB-Hawaii

TESTIMONY OF WARREN BOLLMEIER ON BEHALF OF THE
HAWAII RENEWABLE ENERGY ALLIANCE BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

SB 19 SD1 HD1, RELATING TO RENEWABLE ENERGY

March 25, 2013

Chair McElvey, Vice-Chair Kawakami, and members of the Committee I am Warren Bollmeier, testifying on behalf of the Hawaii Renewable Energy Alliance (HREA). HREA is an industry-based, nonprofit corporation in Hawaii established in 1995. Our mission is to support, through education and advocacy, the use of renewables for a sustainable, energy-efficient, environmentally-friendly, economically- sound future for Hawaii. One of our goals is to support appropriate policy changes in state and local government, the Public Utilities Commission and the electric utilities to encourage increased use of renewables in Hawaii.

The purpose of SB 19 SD1 HD1 is to exempt landlords and lessors who install renewable energy systems on their property and provide, sell, or transmit the power generated therefrom to electric utilities and tenants or lessees on the same property from the definition of "public utility".

HREA **strongly supports** SB 19 as it will increase the number of choices available to customers, such as tenants or lessees, who wish to install a renewable energy system to reduce their electricity bill and to contribute to the attainment of our clean energy goals.

However, we have concerns about the current version of SB19 SD1 HD1, which restrictively and unnecessarily requires a single meter and single connection: "**in which the owner or lessor and the tenant are served by the same utility meter and service connection;**" reference page 7, lines 14 - 17 of the measure.

Renewable energy can be provided to tenants and lessees without utilizing the electric utility's lines. We offer this alternative language, which directly safeguards the utility from potential wheeling while not limiting the configuration to a single meter.

PROPOSED LANGUAGE - reference (n) (ii) on page 7 of the measure:

"Provides, sells or transmits the power generated from that renewable energy system to an electric utility or to a lessee or tenant on the person's property where the renewable energy system is located; ~~and in which the owner or lessor and the tenant are served by the same utility meter and service connection;~~ **provided further that such person does not use an electric utility's transmission or distribution lines to provide, sell or transmit power to lessee or tenant;**"

Mahalo for this opportunity to testify



HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Monday, March 25, 2013 — 3:00 p.m. — Room 325

**SB 19, SD1, HD1 Relating to Renewable Energy
Testimony in Support with Suggested Amendments**

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

My name is Jon Wallenstrom and I am the President of Forest City Hawaii. Forest City Hawaii is principally engaged in the ownership, development, management and acquisition of commercial and residential real estate and land in Hawaii. It is currently involved in a partnership with the Hawaii Housing Finance and Development Corporation (HHFDC) to develop Kamakana Villages, a mixed-use community of 2,206 homes on the Big Island, of which more than 50% will affordably priced. We have also put in place six photovoltaic farms on Oahu and are one of the largest owners of clean, renewable energy assets in the State. Forest City is one of the largest residential community and renewable energy developers in the state. At Forest City we leverage our real estate experience to create renewable energy projects. These developments help offset the high cost of energy in Hawaii for both our community as a whole, while also decreasing the state's dependence on fossil fuels.

Forest City **supports** SB 19, SD1, HD1 which exempts landlords and lessors who install renewable energy systems on their property from the definition of "public utility". However, we are concerned over two (2) provisions of the current version of SB 19.

First, the current version of the measure restricts configurations by requiring a single meter and single connection which would serve both owner or lessor and tenant. Today, many tenants have individual utility meters. Landlords can provide energy in this configuration without utilizing the electric utility's lines.

To address this, we respectfully suggest an amendment which directly safeguards the utility from potential wheeling while not limiting the configurations for properties. Insert the following language in subsection (N) (ii) which begins on page 7, line 10:

Provided further that such person does not use an electric utility's transmission or distribution lines to provide, sell or transmit power to a lessee or tenant.

Second, we recommend that references to the utility rates be clarified to include all other relevant and applicable charges, in the same way the rates from the electric utility are derived. We suggest the following amendment on page 8, beginning at line 3:

...provided further that the rate schedule charged to the lessee or tenant for the power generated by the renewable energy system shall under no circumstances be greater than the rate charged per kilowatt hour **plus all other relevant and applicable charges, including any and all energy, customer, and demand charges, and any applicable surcharges and adjustments charged** by the electric utility and shall be established for the duration of the lease and that the lease agreement entered into by the lessee or tenant reflects such rate schedule and provides disclosure that the rate shall under no circumstances be greater than the rate **and all other relevant and applicable charges** charged by the electric utility.

Once again we support this bill, and we hope that the technical amendments offered above may be considered by the Committee.

Thank you for the opportunity to provide this testimony.



HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Monday, March 25, 2013 — 3:00 p.m. — Room 325

SB 19, SD1, HD1 Relating to Renewable Energy

Testimony in Support with Suggested Amendments

Frank Striegl, Senior Vice President, Capital Projects, Carmel Partners

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

Carmel Partners **supports** Senate Bill 19, SD1 HD1, the bill that exempts landlords and lessors who install renewable energy systems on their property and sell the electricity generated to their tenants or lessees on the premise from the definition of "public utility."

Carmel Partners is a real estate investment company that acquires, rehabilitates and operates multi-family communities in Hawaii. We are committed to creating quality communities using innovative ideas and solutions to enhance the value for our residents.

While we continue to **strongly support SB19**, we have serious concerns about recent amendments made in SB19 SD1 that are contained in the current version of SB19 SD1 HD1. The recent amendment restrictively, and unnecessarily, requires a single meter and single connection: **"in which the owner or lessor and the tenant are served by the same utility meter and service connection;"**

There are many commercial and residential properties where each rental unit or space is individually metered where the tenant is responsible for paying the utility directly for its own electric usage. This creates the possibility of conflict with the current wording of the bill that requires that the lessor and tenant be served by the same meter. Renewable energy can be provided in this configuration without utilizing the electric utility's lines, however, the current language would prohibit this configuration from being included in this exemption. We offer this alternative language, which directly safeguards the utility from potential wheeling while not limiting the configurations for different properties:

PROPOSED LANGUAGE:

Provides, sells or transmits the power generated from that renewable energy system to an electric utility or to a lessee or tenant on the person's property where the renewable energy system is located; ~~and in which the owner or lessor and the tenant are served by the same utility meter and service connection;~~ **provided further that such person does not use an electric utility's transmission or distribution lines to provide, sell or transmit power to lessee or tenant;**

Given the state's aggressive clean energy goals, SB19 takes away a huge barrier that will increase distributed generation.

Thank you for the opportunity to testify in support on this important matter.

Frank Striegl, SVP
Carmel Partners



HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Monday, March 25, 2013, 3:00 p.m.

TESTIMONY IN SUPPORT OF SB 19 RELATING TO RENEWABLE ENERGY

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

Distributed Energy Partners is a Hawaii based, owned, and operated firm specializing in the development of commercial-scale distributed renewable energy projects, which include solar, wind, and emerging technologies.

Distributed Energy Partners strongly supports SB 19, which would amend Hawaii Revised Statutes, Chapter 269 to clarify that property owners who install a photovoltaic system or other renewable energy systems on their property can sell power they generate to their tenants without being deemed to be a "public utility" under Chapter 269.

Under the current law, there is no such explicit exclusion for property owners who sell power they generate to their tenants. As a result, there is some ambiguity as to whether such property owners could be considered to be a "public utility" by the Public Utilities Commission. This ambiguity leads owners of shopping centers, apartment buildings, and other commercial properties to either shy away entirely from installing photovoltaic solar systems on their property, or to install much smaller systems that serve only the common areas of the building and not the tenants.

Passing SB 19 and clarifying that property owners will not be deemed to be a public utility solely for selling power they generate to their tenants will further Hawaii's interest in promoting renewable energy. Many of the commercial properties that would be benefitted from the passage of SB 19 are ideal candidates for photovoltaic solar systems, since they have a large daytime electricity load. The enactment of SB 19 would also benefit tenants by allowing them to share in the electricity savings to the property owner.

We also note that SB 19 also includes appropriate safeguards to protect tenants – specifically, the new exception would only apply where the electricity rate charged to the tenant by the property owner is fixed in advance and is part of the lease agreement between the property owner and the tenant.

However, we recommend the following amendment to the bill to eliminate restrictive and unnecessary language requiring a single meter and single connection. The goal of ensuring that the landlord does not use utility lines or equipment to distribute the power can be accomplished through amending the bill to use the following less restrictive language:

(ii) Provides, sells, or transmits the power generated from that renewable energy system to an electric utility or to a lessee or tenant on the person's property where the renewable energy system is located and in which the owner or lessor and the tenant are served by the same utility meter and service connection; provided further that such person does not use an electric utility's transmission or distribution lines to provide,



sell or transmit power to lessee or tenant; provided that, for purposes of this subparagraph, a person's property shall include all contiguous property controlled by such person by fee ownership or by lease, sublease, easement, or other means of property control without regard to interruptions in contiguity caused by easements, transportation rights-of-way, and utility rights-of-way; provided further that the rate schedule charged to the lessee or tenant for the power generated by the renewable energy system shall under no circumstances be greater than the rate charged per kilowatt hour by the electric utility and shall be established for the duration of the lease and that the lease agreement entered into by the lessee or tenant reflects such rate schedule and provides disclosure that the rate shall under no circumstances be greater than the rate charged by the electric utility. Any disputes concerning the requirements of this provision shall be resolved pursuant to the provisions of the lease agreement or chapter 521, if applicable.

We strongly support SB 19 and request that the Committee make the change outlined above to fulfill the intent of SB 19 while providing adequate protections to consumers and the utility.

Sincerely,

John Cheever

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 24, 2013 3:06 PM
To: CPCtestimony
Cc: nimo1767@gmail.com
Subject: *Submitted testimony for SB19 on Mar 25, 2013 15:00PM*

SB19

Submitted on: 3/24/2013

Testimony for CPC on Mar 25, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Petricci	Puna Pono Alliance	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 24, 2013 2:37 PM
To: CPCtestimony
Cc: OccupyHiloMedia@yahoo.com
Subject: Submitted testimony for SB19 on Mar 25, 2013 15:00PM

SB19

Submitted on: 3/24/2013

Testimony for CPC on Mar 25, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Individual	Support	No

Comments: Strongly support solar initiatives and making it easier for renters to enjoy the benefits of cheap, clean energy. Mahalo for hearing this bill and please support it.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 24, 2013 8:15 AM
To: CPCtestimony
Cc: clk5356@gmail.com
Subject: Submitted testimony for SB19 on Mar 25, 2013 15:00PM

SB19

Submitted on: 3/24/2013

Testimony for CPC on Mar 25, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn L Knoll	Individual	Support	No

Comments: The passing of this Bill will result in a greater adoption of renewable energy, tenants now being able to benefit from it, and Hawaii moving closer to its renewable energy goals.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Monday, March 25, 2013 — 3:00 p.m. — Room 325

SB 19, SD1, HD1 Relating to Renewable Energy
Testimony in **Support with Suggested Amendments**
Jay Fidell, President, Think Tech Hawaii

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

As a small nonprofit and a tenant, I **support** Senate SB19, the bill that exempts landlords and lessors who install renewable energy systems on their property and sells to their tenants and lessees from the definition of "public utility."

Today, renters and tenants are at an extreme disadvantage in living a sustainable lifestyle because landlords and lessors are not incented to invest in renewable energy systems for their properties. This bill will provide for a consistent application of an exemption that will take away any disincentives for the investor.

While we support SB19, tenants also have individual meters and not just share a single meter with their landlord. Therefore, we have serious concerns about the current version of SB19 SD1 HD1, which restrictively requires a single meter and single connection: **"in which the owner or lessor and the tenant are served by the same utility meter and service connection;"**

We propose the following:

Provides, sells or transmits the power generated from that renewable energy system to an electric utility or to a lessee or tenant on the person's property where the renewable energy system is located; ~~and in which the owner or lessor and the tenant are served by the same utility meter and service connection;~~ **provided further that such person does not use an electric utility's transmission or distribution lines to provide, sell or transmit power to lessee or tenant;**

This bill is a very strong step in the right direction to increase our distributed generation and provide tenants choices, previously left out of the benefits of renewable energy.

Thank you for the opportunity to testify in support on this important matter.

Jay Fidell

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 24, 2013 2:12 PM
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Cc: shannonkona@gmail.com
Subject: *Submitted testimony for SB19 on Mar 25, 2013 15:00PM*

SB19

Submitted on: 3/24/2013

Testimony for CPC on Mar 25, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB19

Submitted on: 3/24/2013

Testimony for CPC on Mar 25, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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SB19

Submitted on: 3/24/2013

Testimony for CPC on Mar 25, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Support	No

Comments: SB 19 is a good, common sense bill. Please support.

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