

JAN 18 2013

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. Section 269-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "public utility" to read
3 as follows:
4 ""Public utility":
5 (1) Includes every person who may own, control, operate,
6 or manage as owner, lessee, trustee, receiver, or
7 otherwise, whether under a franchise, charter,
8 license, articles of association, or otherwise, any
9 plant or equipment, or any part thereof, directly or
10 indirectly for public use for the transportation of
11 passengers or freight; for the conveyance or
12 transmission of telecommunications messages; for the
13 furnishing of facilities for the transmission of
14 intelligence by electricity within the State or
15 between points within the State by land, water, or
16 air; for the production, conveyance, transmission,
17 delivery, or furnishing of light, power, heat, cold,
18 water, gas, or oil; for the storage or warehousing of



1 goods; or for the disposal of sewage; provided that
2 the term shall include:

3 (A) An owner or operator of a private sewer company
4 or sewer facility; and

5 (B) A telecommunications carrier or
6 telecommunications common carrier; and

7 (2) Shall not include:

8 [~~(A)~~] ~~An owner or operator of an aerial transportation~~
9 ~~enterprise;~~

10 ~~(B)]~~ (A) An owner or operator of a taxicab as defined
11 in this section;

12 [~~(C)~~] (B) Common carriers that transport only freight
13 on the public highways, unless operating within
14 localities, along routes, or between points that
15 the public utilities commission finds to be
16 inadequately serviced without regulation under
17 this chapter;

18 [~~(D)~~] (C) Persons engaged in the business of
19 warehousing or storage unless the commission
20 finds that regulation is necessary in the public
21 interest;



1 ~~[-E-]~~ (D) A carrier by water to the extent that the
2 carrier enters into private contracts for towage,
3 salvage, hauling, or carriage between points
4 within the State; provided that the towing,
5 salvage, hauling, or carriage is not pursuant to
6 either an established schedule or an undertaking
7 to perform carriage services on behalf of the
8 public generally;

9 ~~[-F-]~~ (E) A carrier by water, substantially engaged in
10 interstate or foreign commerce, that transports
11 passengers on luxury cruises between points
12 within the State or on luxury round-trip cruises
13 returning to the point of departure;

14 ~~[-G-]~~ (F) Any user, owner, or operator of the Hawaii
15 electric system as defined under section 269-141;

16 ~~[-H-]~~ (G) A telecommunications provider only to the
17 extent determined by the public utilities
18 commission pursuant to section 269-16.9;

19 ~~[-I-]~~ (H) Any person who controls, operates, or
20 manages plants or facilities developed pursuant
21 to chapter 167 for conveying, distributing, and

1 transmitting water for irrigation and other
2 purposes for public use and purpose;

3 [~~J~~] (I) Any person who owns, controls, operates, or
4 manages plants or facilities for the reclamation
5 of wastewater; provided that:

6 (i) The services of the facility are provided
7 pursuant to a service contract between the
8 person and a state or county agency and at
9 least ten per cent of the wastewater
10 processed is used directly by the state or
11 county agency that entered into the service
12 contract;

13 (ii) The primary function of the facility is the
14 processing of secondary treated wastewater
15 that has been produced by a municipal
16 wastewater treatment facility owned by a
17 state or county agency;

18 (iii) The facility does not make sales of water to
19 residential customers;

20 (iv) The facility may distribute and sell
21 recycled or reclaimed water to entities not
22 covered by a state or county service



1 contract; provided that, in the absence of
2 regulatory oversight and direct competition,
3 the distribution and sale of recycled or
4 reclaimed water shall be voluntary and its
5 pricing fair and reasonable. For purposes
6 of this subparagraph, "recycled water" and
7 "reclaimed water" means treated wastewater
8 that by design is intended or used for a
9 beneficial purpose; and

10 (v) The facility is not engaged, either directly
11 or indirectly, in the processing of food
12 wastes;

13 [~~(K)~~] (J) Any person who owns, controls, operates, or
14 manages any seawater air conditioning district
15 cooling project; provided that at least fifty per
16 cent of the energy required for the seawater air
17 conditioning district cooling system is provided
18 by a renewable energy resource, such as cold,
19 deep seawater;

20 [~~(L)~~] (K) Any person who owns, controls, operates, or
21 manages plants or facilities primarily used to



1 charge or discharge a vehicle battery that
2 provides power for vehicle propulsion; and

3 ~~[(M)]~~ (L) Any person who:

4 (i) Owns, controls, operates, or manages a
5 renewable energy system that is located on a
6 customer's property; and

7 (ii) Provides, sells, or transmits the power
8 generated from that renewable energy system
9 to an electric utility or to the customer on
10 whose property the renewable energy system
11 is located; provided that, for purposes of
12 this subparagraph, a customer's property
13 shall include all contiguous property owned
14 or leased by the customer without regard to
15 interruptions in contiguity caused by
16 easements, public thoroughfares,
17 transportation rights-of-way, and utility
18 rights-of-way.

19 If the application of this chapter is ordered by the
20 commission in any case provided in paragraph ~~[(2)(C), (D), (H),~~
21 ~~and (I),]~~ (2)(B), (2)(C), (2)(G), or (2)(H), the business of any
22 public utility that presents evidence of bona fide operation on



1 the date of the commencement of the proceedings resulting in the
 2 order shall be presumed to be necessary to the public
 3 convenience and necessity, but any certificate issued under this
 4 proviso shall nevertheless be subject to terms and conditions as
 5 the public utilities commission may prescribe, as provided in
 6 sections 269-16.9 and 269-20."

7 SECTION 2. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Melanne Jean

~~Donna Lutz~~
 Fla. Gen.
 Silvia K. K...
 M...L

S.B. NO. 451

Report Title:

Public Utilities Commission; Air Carriers

Description:

Repeals exclusion of owners or operators of aerial transportation enterprises from the definition of a public utility.

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

