

HB2141

Submitted on: 1/28/2014

Testimony for EEP on Jan 30, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Individual		SupportNo	

Comments: As a resident of a condominium whose roof cannot accommodate PV panels, I am in support of this bill. Sandie Wong

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**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Thursday, January 30, 2014
8:30 A.M.
State Capitol, Conference Room 325

in consideration of
HB 2141
RELATING TO COMMUNITY-BASED RENEWABLE ENERGY.

Chair Lee, Vice Chair Thielen, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) respectfully offers comments on HB 2141, which establishes the Hawaii community-based renewable energy program.

DBEDT supports the intent of this bill to promote broader participation in the economic, environmental, and societal benefits of renewable energy, especially for those individuals and households who are currently unable to directly participate in the clean energy economy. Further, facilitating increased renewable energy generation can help us achieve our State's clean energy mandates.

Because of the technical and regulatory complexities relating to any broad implementation of this innovative renewable energy development structure, DBEDT advises caution in prescribing rapid statewide deployment and suggests that HB 2141 establish clear Legislative policy intent to guide the Public Utilities Commission (PUC) to enable community-based renewable energy program development in the most appropriate manner.

Likewise, DBEDT would be supportive of language to establish a pilot community based renewable energy program to demonstrate the concept prior to broader deployment, ensuring a balanced approach to quickly bring this solution to market and helping mitigate unintended

consequences from a large scale initial roll-out. Upon its analysis that a pilot project has been successful, the PUC would be authorized to initiate broader program deployment by issue of regulatory order or rule. However, we respectfully defer to the PUC for comment on proposed regulatory matters and potential related regulatory issues that would need to be carefully considered under this bill.

Thank you for the opportunity to offer these comments.

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

January 30, 2014
8:30 a.m.

MEASURE: H.B. No. 2141

TITLE: Relating to Renewable Energy

Chair Lee and Members of the Committee:

DESCRIPTION:

This measure would create a structure called the Community-Based Renewable Energy Program where an electric utility customer may own, lease, finance, or subscribe to an interest in a community renewable energy facility ("Facility") for the purpose of offsetting the customer's electricity use with electricity produced by the Facility.

The measure would require every electric utility in the State to develop a standard contract or tariff for all participants where the value of the bill credit is based either (1) on a time-of-use rate structure reflecting the time-dependent value of energy generated, time-dependent cost of energy consumed, and ancillary service or demand response values provided by the Facility or (2) on a net kilowatt-hour consumption calculation that subtracts a set share of the Facility's production from the customer's electricity consumption, reduced by a fixed monthly charge that reflects fixed costs associated with use of the electrical grid, and possibly also adjusted by a monthly credit based on the value of any ancillary services or demand response capability provided by the facility "and participants."

If participants have acquired an interest in a Facility prior to the date of commission approval of a tariff, the default "tariff" is to be similar to the net energy metering ("NEM") tariff, and based exclusively on a net kilowatt-hour consumption calculation that subtracts a set share of the Facility's production from the customer's electricity consumption.

A “community renewable energy facility” is defined as a facility that produces renewable energy. There is no Facility size cap. The Facility must achieve commercial operation on January 1, 2015, or thereafter. There is no sunset date or system-wide limit.

POSITION:

The Commission supports the intent of creating a community-based renewable energy tariff structure that will increase access to renewable generation, but it believes the measure is overly prescriptive and may have unintended program design consequences that would require future and untimely statutory amendments resulting in implementation barriers. The Commission would also like to offer the following comments for the Committee’s consideration.

COMMENTS:

Several of the provisions of this measure are unclear or may create unintended barriers in the development of a properly functioning community-based renewable energy program. For example:

- Since there is no Facility or system-wide size cap, rate design and ratepayer impacts, particularly on non-participants, could be significant.
- The proposed establishment of a default “tariff” by legislation [page 9, beginning on line 16], without Commission review and approval, raises several legal and procedural issues, and may be in conflict with established law and regulatory precedent.
- It is not clear whether the Facility must be operational for this “tariff” to be in effect for program participants.
- It is also not clear whether program participants would be required to transfer to another tariff once one was approved by the Commission.
- Regarding the definition of “community renewable energy facility” [page 4, beginning on line 4], it is not clear whether 100% of the Facility’s production must be from renewable resources or if a Facility would be eligible as long as some of its production was from renewable resources.

- It appears that any new Facility that produces renewable energy, and is not owned or operated by an electric utility, may qualify.

Policy guidance, rather than prescriptive statutory provisions, would be more effective for new programs like community-based renewable energy programs whose business models are not yet mature. Many complex and often intertwined technical challenges are already under development through the regulatory process. Several of H.B.No.2141's provisions, such as those relating to interconnection, grid costs, valuation of ancillary services, and demand response are under investigation in various Commission dockets or will be addressed by the Hawaii Electricity Reliability Authority, pursuant to Act 166, Session Laws of Hawaii 2012, and codified as HRS §§269-141 through 149. The successful completion of these regulatory dockets will provide more comprehensive solutions to the issues raised by the various parties, including utilities, project developers, participants, and non-participants.

The Commission believes that this measure is not necessary. However, if the Committee is inclined to provide policy guidance, a proposed House Draft 1 is attached for the Committee's consideration.

Thank you for the opportunity to testify on this measure.

A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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 be appropriately designated
3 and to read as follows:
4 "§269- Community-based renewable energy tariffs. The
5 public utilities commission may establish, upon application by
6 an electric utility or upon the commission's own motion, a
7 community-based renewable energy tariff or tariffs to be applied
8 to services provided to customers by an electric utility for the
9 purpose of encouraging the widespread adoption of cost-
10 competitive renewable energy technology in the State. A
11 "community-based renewable energy tariff" is a tariff approved
12 by the public utilities commission by which electric utility
13 customers may purchase an interest conveying legal ownership in
14 a portion or portions of an eligible renewable energy facility
15 that is selling energy to the utility without respect to the
16 physical siting or interconnection, as defined under section
17 269-141, of the renewable energy system and allows an electric

H.B. NO. 2141

[Proposed H.D. 1]

1 utility to implement a billing arrangement to pay those
2 customers for energy purchased by the utility."

3 SECTION 2. New statutory material is underscored.

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

H.B. NO. 2141

[Proposed H.D. 1]

Report Title:

Public Utilities Commission; Community-Based Renewable Energy; Tariff

Description:

Adds to Chapter 269, Hawaii Revised Statutes, a section that allows the Public Utilities Commission to establish Community-Based Renewable Energy Tariffs, as defined.

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



NEIL ABERCROMBIE
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SHAN S. TSUTSUI
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DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON
ENERGY & ENVIRONMENTAL PROTECTION

THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

THURSDAY, JANUARY 30, 2014
8:30 A.M.

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

HOUSE BILL NO. 2141 - RELATING TO RENEWABLE ENERGY

DESCRIPTION:

This measure proposes to establish the Hawaii community-based renewable energy program to enable utility customers to participate in a community-based renewable energy facility and benefit from the electricity generated from such a facility; and will be effective July 1, 2014.

POSITION:

The Division of Consumer Advocacy ("Consumer Advocate") supports the intent of this bill and proposes authorizing the Public Utilities Commission ("PUC") to establish a community-based renewable energy tariff. The Consumer Advocate offers the following comments.

COMMENTS:

Thus far, distributed renewable energy systems, such as solar photovoltaic (“PV”) systems, have been available only to those who can afford the significant upfront cash payment that is required for system installation. A large segment of Hawaii’s population has been locked out of this market for a number of reasons, including economic, living in multi-family dwellings, significant shading over their rooftops, and rooftop construction that does not allow for solar PV installation. A properly designed community-based renewable energy program has the potential to provide significant energy cost-savings to this under-served market. It also opens up access to affordable renewable energy to schools and community organizations that might otherwise be unable to participate in renewable energy self-generation programs.

The Consumer Advocate strongly supports the intent of this bill. However, the Consumer Advocate believes this goal would be more effectively accomplished through legislation authorizing the PUC to establish a community-based renewable energy program tariff. Specifically, the PUC should have full discretion over key terms of the tariff, such as pricing, the treatment of bill credits, or other charges.

With respect to this bill, the Consumer Advocate is concerned with the potential bill impact this community-based renewable energy program would have on non-participating ratepayers. For example, the Consumer Advocate opposes the provision in Section 269-C(b), Hawaii Revised Statutes (“HRS”), which allows, under certain circumstances, the value of the bill credit or bill owed to be calculated at participant’s retail rate without adjustment for the participant’s use of the utility’s transmission, distribution, and other infrastructure. This provision would unduly shift costs from participating customers to non-participating ratepayers. It would also provide inappropriate incentives for participants to invest in proposed renewable energy facilities before the PUC is able to approve a community-based renewable energy contact or tariff.

The Consumer Advocate recommends a community-based renewable energy bill that enables and authorizes the PUC to establish the appropriate tariff without specific reference to the costs and pricing that should be considered. It should be left to the PUC through an open and transparent process to determine these factors with input from all interested and affected stakeholders.

Thank you for this opportunity to testify.

Testimony before the
House Committee on Energy and Environmental Protection

H.B. 2141 – Relating to Renewable Energy

Thursday, January 30, 2014

By Scott Seu
Vice President, Energy Resources and Operations
Hawaiian Electric Company, Inc.

Chair Lee, Vice Chair Thielen, and Members of the Committee:

Hawaiian Electric Company and its subsidiaries, Maui Electric Company and Hawaii Electric Light Company, support the intent of this bill which is to increase renewable energy options for customers. However, we do not support the particular form of community-based renewable energy that is proposed in H.B. 2141 because of concerns about fairness and retail wheeling of power over the electric system.

Fairness issues arise because the proposed model appears to rely on compensation for PV energy at higher than market rates, compensation that is paid for by non-participating customers. Furthermore, this form of a community-based renewable energy program implements wheeling, which is still under investigation by the PUC as to whether or not it is in the public interest due to potential impacts on cost shifting and reliability.

There are several different models of community-based renewable energy programs, all of which are intended to provide greater access to customers who want to invest in and benefit from solar PV but who may not have the opportunity to install PV at their residences, such as residents of high-rises. A community-based renewable energy program model in use on the mainland has come to our attention that does not raise the concerns that H.B. 2141 does and offers the potential for providing lower cost renewable energy and economic benefits to ALL customers, not just those investing in a community-based renewable energy project. We are interested in exploring this model and any others that encourage the development of best fit, low cost renewable energy projects that can be safely and reliably integrated into our grid. This model also does not need legislation to be enacted to move forward; it is a form of renewable energy procurement and could be facilitated through the regulatory process with the Public Utilities Commission.

For these reasons, we believe this bill should either be held or substantially modified to support alternative models of community-based renewable energy that provide greater benefits to all customers.

Thank you for the opportunity to testify on this measure.



HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 30, 2013, 8:30 A.M.

Room 325

(Testimony is 4 pages long)

TESTIMONY IN STRONG SUPPORT OF HB 2141

Chair Lee and members of the Energy & Environmental Protection Committee:

The Blue Planet Foundation strongly supports HB 2141, establishing a community renewables program to expand the number of Hawai'i residents who can participate in the benefits of clean energy. This measure would allow residents to invest in and benefit from solar and wind energy systems—even if those systems are not sited on their property.

House Bill 2141 makes renewable energy accessible for many Hawai'i residents, businesses, and agencies who cannot currently take advantage of energy cost savings available from solutions like rooftop solar photovoltaic energy. Community-based renewable energy boosts private investment in our green energy infrastructure while it maximizes the flexibility of our clean energy solutions. In doing so, it benefits all Hawai'i residents by reducing the amount of money we send out of the state to pay for imported fossil fuels.

This measure differs from other proposals for community renewables in three key ways. First, HB 2141 enables anyone (community, renewable developer, land or building owner, etc.) to propose a community renewables project (subject to interconnection)—not just the electric utility. This truly enables the democratization of our renewable energy resources. Second, the measure directly establishes a program and how it will function, avoiding the lengthy, resource-intensive, and sometimes contentious regulatory process. Finally, the bill makes it clear that the legislation will not preclude an electric utility from developing and implementing their own community renewables program—it simply establishes a framework for others to develop projects and broaden the competitive renewable landscape.

Our current system leaves many Hawaii households, businesses, and public agencies unable to participate in renewable energy cost savings

Many homeowners have been able to use solar power and other technologies to break free from energy costs being driven upward by fossil fuels. Unfortunately, many individuals and

households are currently unable to directly participate in renewable energy because of their location, building type, access to the electric utility grid, or other impediments. For example, (a) it may be difficult for a single condominium owner to install solar panels, without a wider installation on behalf of the entire condominium; (b) it may be difficult for homeowners with shaded roofs to harness as much of the sun's energy as their neighbors; or (c) a homeowner may find that the utility is limiting the amount of energy from the homeowner's particular circuit. All of these situations can be addressed with community-based renewable energy.

Community Renewables unlocks renewable energy solutions, improves our economy, and benefits our electrical grid

Community Renewables allows residents to join together to find energy solutions. For example, several condominium owners in different buildings may collectively install solar panels in another location with spare rooftop capacity. Even larger communities can join together to install renewable energy in ways that are most effective and efficient for their particular community. Or public agencies, such as schools, colleges, universities, and local governments will have more flexibility to access renewable energy across their systems. The cost savings can benefit important educational programs, social services, and new hiring.

Community Renewables can also help make our energy system more robust, by evening out the distribution of renewable energy on the grid. For example, homeowners on a crowded circuit can install solar panels on another circuit, and receive the credit against their energy bill. By promoting renewable energy on under-utilized circuits, it can help the utility to operate our electrical system more effectively and efficiently. In addition to these benefits, group net metering creates new construction jobs, stimulates the economy, reduces emissions of greenhouse gases, promotes energy independence, and will assist in meeting and exceeding the state's clean energy goals.

Community Renewables is spreading across the country—don't let Hawai'i fall behind

Community Renewables is an innovative solution that is already happening in at least ten other states, such as California, Colorado, Massachusetts, Washington, Maryland, and Maine.¹ There is no reason Hawaii shouldn't enable its residents to do the same thing.

For all of these reasons, it is in the public interest to promote this type of broader participation in self-generation by Hawaii residents, public agencies, and businesses. For wealthy homeowners

¹ The U.S. Dep't of Energy's National Renewable Energy Laboratory has reported on elements of these programs, <http://www.nrel.gov/docs/fy11osti/49930.pdf>.

with large roofs, solar electricity is a no-brainer. But for most residents, solar power is simply out of reach. The policy proposed in HB 2141 brings some social equality to our clean energy policy. Everyone should be able to participate in Hawai'i's clean energy future.

We respectfully request that HB 2141 be forwarded for further consideration. Thank you for the opportunity to testify.

The following pages contain an "FAQ" on community renewables and an article from.

Community-based renewable energy FAQ

Q: Why is community renewables necessary?

A: While solar has been an incredible success story in Hawaii, the majority of residents simply cannot directly participate in renewable energy because of their lack of access to a suitable rooftop for solar, such as many of the 40% of residents who live in multi-unit housing such as condos, or those whose roofs are shaded or otherwise incapable of supporting solar. Community-based renewable energy allows residents to invest in and benefit from solar and wind energy systems—even if those systems weren't directly on their property. It's a matter of fairness and equality. Everyone should be able to participate in Hawaii's clean energy future, not just those fortunate enough to have a big roof over their heads.

Q: What are the benefits of community renewables?

Aside from making Hawai'i's clean energy policies more equitable, community renewables can bring real economic value to those who need it the most. Under California's Multifamily Affordable Solar Housing program (established in 2008, now with 7 MW installed, and 13 MW signed up), community renewables is estimated to save low income households 30% on their electric bills.

Q: Is anyone else doing community renewables?

A: Yes, as of November 2010, utilities, public utility commissions, and communities in California, Florida, Arizona, Utah, Colorado, Washington, Vermont, Massachusetts, Maryland, and Maine had all taken steps to adopt innovative community renewables programs. According a report by the U.S. Dep't of Energy National Renewable Energy Laboratory (NREL), the Interstate Renewable Energy Council (IREC) examined "the various community solar approaches that have been implemented thus far," to develop "model" rules for community based renewable energy programs. These model rules could be used to develop a program for Hawaii.

Q: Aren't there other approaches to solve the same problem of lack of access to renewable energy?

A: Yes, there are, such as a utility-sponsored “green pricing” program. But this is not available in Hawaii and there are no current plans to make such a program available. Moreover, a community-based renewable energy program would empower residents to take control of their energy situation with their own resources, leveraging the efficiency of efficiency of the market.

Pacific Business News

January 17, 2014

OUR VIEW

Solar gardens can make everyone a winner

PBN

A proven technology that is gaining popularity on the Mainland deserves some serious consideration here in Hawaii,

where the sun is part of our brand identity.

The concept is especially important on Oahu as we grow upward with high-rise condominium towers that offer their residents few options for renewable energy.

We’re talking about community solar gardens, which enable businesses and residents to invest in renewable energy by subscribing to a solar electric array that is connected to the utility grid. Subscribers will then receive a credit on their electric bills.

Solar energy has been one of Hawaii’s fastest-growing industries during the past decade, helped in large part by federal and state tax credits. Even so, its market penetration is under 10 percent.

One of the problems is that approximately 40 percent of Hawaii residents live in multifamily households, many of them without enough roof space to accommodate renewable-energy equipment. There also are economic barriers in rental units where tenants would reap the benefits while landlords pay for the equipment.

Community solar gardens would remove some of those barriers.

The Blue Planet Foundation, which introduced legislation last year, calls it a win-win-win proposition.

“Households everywhere can win by accessing affordable clean energy,” the foundation says. “The utility wins by adding another tool to solve energy-interconnection questions. And businesses win because they can access a market that has long been cut off.”

Hawaiian Electric Co. also likes the concept, according to spokesman Peter Rosegg.

“We are looking for a model for customers who want to invest in and benefit from solar PV but do not have the opportunity because they are high-rise residents, home renters or other reasons,” he said. “The model should also offer potential lower-cost renewable energy and economic benefits for all our customers, not just those investing in community solar or single-family homeowners who can benefit from solar on their own roofs.”

As one would expect, solar contractors also think it’s a great idea. It would mean more business for them and expand solar’s reach.

So, what’s stopping us?

The Blue Planet Foundation’s House Bill 1363 attracted some attention in the 2013 Legislature, but it was one of those complicated issues whose “time had not yet come.” The foundation will submit a new draft this session.

We think the time has come to give community solar gardens serious attention. In our bid to rely more on renewable energy and less on fossil fuels, here’s a concept that holds promise to move us in the right direction.



HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 30, 2014, 8:30 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 2141

Aloha Chair Lee and Members of the Committees:

The Sierra Club of Hawai'i, with over 102,000 dues paying members and supporters statewide, respectfully supports HB 2141. Shared renewables arrangements overcome that barrier by allowing energy customers to subscribe to an off-site renewable energy project and get utility bill credit for their portion of the energy produced

There is much to like about this measure. It would provide a strong incentive for individuals and businesses to invest in the power plants of tomorrow (today). It would bring clean energy savings to a wider range of Hawai'i residents. It would continue developing a strong and sustainable source of jobs for Hawai'i's construction industry. In short, it is a terrific measure to support.

Mahalo for the opportunity to testify.



1/30/2014

House Committee on Energy & Environmental
Protection

EEP

8:30 a.m.

HB 1943

TESTIMONY IN SUPPORT

Dear Chair Lee, Vice Chair Thielen, and Members of the Committee:

Solar energy has been a tremendous boon to Hawaii, particularly in the last five years. Over this period, private investment and government support have of solar energy systems has helped advance many of the state's most pressing public policy challenges. These include: enhancing macroeconomic performance by lowering the operating costs for business owners and monthly utility bills for homeowners; decreasing Hawaii's vulnerability to potentially catastrophic disruptions in the supply of imported fuels; stemming the endless tide of money out of the state to pay for costly fossil fuels; propping up construction sector employment during a difficult downturn; and reducing Hawaii's contribution to global climate change.

Despite contributing to these many important public policy battles, the solar sector can do more. This is because some sectors of Hawaii's citizenry and business community are systematically excluded from the opportunity to invest in solar energy, denying them the ability to reduce their monthly expenditures and the state the opportunity to further advance the policy goals listed above. In general the limiting factor is access to a site where PV can be deployed to offset electrical load. Examples include individual occupants of high-rise condominiums, businesses that lease commercial or industrial space, and renters of single family detached homes.

HB2124 would create a structure under which these and others would face the same investment incentives as those who own and occupy single-family homes or commercial buildings. In doing so, it not only expands access to solar opportunities but also rectifies key intra-rate class inequities that are currently driven simply by access to sites for PV system deployment.

Once again we support this bill, and we hope that the technical recommendations offered above may be of some use to the Committee. Thank you for the opportunity to provide this testimony.

Mark Duda
President, Hawaii PV Coalition

The Hawaii PV Coalition was formed in 2005 to support the greater use and more rapid diffusion of solar electric applications across the state. Working with business owners, homeowners and local and national stakeholders in the PV industry, the Coalition has been active during the state legislative sessions supporting pro-PV and renewable energy bills and helping inform elected representatives about the benefits of Hawaii-based solar electric applications.

HB2141

Submitted on: 1/30/2014

Testimony for EEP on Jan 30, 2014 08:30AM in Conference Room 325

Submitted By Organization Testifier Position Present at Hearing

Carl Individual SupportNo

Comments: While this Bill, HB2141, is both welcome and necessary, I believe the inherent problem with it's execution and administration still lies within the utility interconnection process. As long as the utility maintains their current restrictive, time delayed and costly interconnection process, there will continue to be limited access and/or prohibitive barriers to the development and implementation of any systems proposed, community-based or otherwise. Unless this relates to the 60,000 home development recently announced. in this case, the proposed and approved development would restrict the employment opportunities to the few local contactors brought in to do the work. Furthermore, this development is being funded by non-local entities and therefore the tax benefits will flow directly out of our State of Hawaii. I propose that we address, streamline and expedite the utility interconnection process and therefore re-open the Distributed Generation opportunities that have provided significant employment for thousands of people across all Islands. We must remove the delays, restrictions and the prohibitive fees.

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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