



GOV. MSG. NO. 1166

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 23, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 23, 2021, the following bill was signed into law:

HB78 HD1 SD1

RELATING TO THE UNDERGROUND  
CONSTRUCTION OF HIGH-VOLTAGE ELECTRIC  
TRANSMISSION LINES  
**ACT 065 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

on JUN 23 2021

HOUSE OF REPRESENTATIVES  
THIRTY-FIRST LEGISLATURE, 2021  
STATE OF HAWAII

ACT065

H.B. NO.

78  
H.D. 1  
S.D. 1

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# A BILL FOR AN ACT

RELATING TO THE UNDERGROUND CONSTRUCTION OF HIGH-VOLTAGE  
ELECTRIC TRANSMISSION LINES.

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

SECTION 1. Section 269-27.6, Hawaii Revised Statutes, is  
amended to read as follows:

"§269-27.6 Construction of high-voltage electric  
transmission lines; overhead or underground construction. (a)  
Notwithstanding any law to the contrary, whenever a public  
utility applies to the public utilities commission for approval  
to place, construct, erect, or otherwise build a new 46 kilovolt  
or greater high-voltage electric transmission system, either  
above or below the surface of the ground, the public utilities  
commission shall determine whether the electric transmission  
system shall be placed, constructed, erected, or built above or  
below the surface of the ground; provided that in its  
determination, the public utilities commission shall consider:

(1) Whether a benefit exists that outweighs the costs of  
placing the electric transmission system underground;



- 1           (2) Whether there is a governmental public policy  
2           requiring the electric transmission system to be  
3           placed, constructed, erected, or built underground,  
4           and the governmental agency establishing the policy  
5           commits funds for the additional costs of  
6           undergrounding;
- 7           (3) Whether any governmental agency or other parties are  
8           willing to pay for the additional costs of  
9           undergrounding;
- 10          (4) The recommendation of the division of consumer  
11          advocacy of the department of commerce and consumer  
12          affairs, which shall be based on an evaluation of the  
13          factors set forth under this subsection; and
- 14          (5) Any other relevant factors.
- 15          (b) In making the determination set forth in subsection  
16          (a), for new 138 kilovolt or greater high-voltage electric  
17          transmission systems, the public utilities commission shall  
18          evaluate and make specific findings on all of the following  
19          factors:



- 1           (1)    The amortized cost of construction over the respective
- 2                   usable life of an above-ground versus underground
- 3                   system;
- 4           (2)    The amortized cost of repair over the respective
- 5                   usable life of an above-ground versus underground
- 6                   system;
- 7           (3)    The risk of damage or destruction over the respective
- 8                   usable life of an above-ground versus an underground
- 9                   system;
- 10          (4)    The relative safety and liability risks of an above-
- 11                   ground versus underground system;
- 12          (5)    The electromagnetic field emission exposure from an
- 13                   above-ground versus underground system;
- 14          (6)    The proximity and visibility of an above-ground system
- 15                   to:
- 16                   (A)   High density population areas;
- 17                   (B)   Conservation and other valuable natural resource
- 18                           and public recreation areas;
- 19                   (C)   Areas of special importance to the tourism
- 20                           industry; and



(D) Other industries particularly dependent on  
Hawaii's natural beauty;

(7) The length of the system;

(8) The breadth and depth of public sentiment with respect  
to an above-ground versus underground system; and

(9) Any other factors that the public utilities commission  
deems relevant.

(c) A public utility making an application to the public  
utilities commission under this section shall clearly and fully  
state and support its evaluation of each factor set forth in  
subsection (b).

(d) Notwithstanding the requirements under subsections (a)  
and (b), a public utility shall not be required to seek public  
utilities commission approval to place, construct, erect, or  
otherwise build a high-voltage electric transmission system if:

(1) The electric transmission system is to be built  
underground;

(2) The entire cost due to building underground, rather  
than above-ground, is paid by an entity other than the  
public utility as a contribution in aid of  
construction; and



1        (3) Prior to commencing construction, the public utility  
2        provides a report to the public utilities commission,  
3        with a copy to the consumer advocate, describing in  
4        detail the electric transmission system and providing  
5        sufficient documentation that affirms that the  
6        additional costs of building the electric transmission  
7        system underground will be paid by an entity other  
8        than the public utility.

9        (e) The public utilities commission shall have sixty days  
10       to take action on the report filed pursuant to subsection  
11       (d) (3), or it shall be assumed that the public utility may  
12       proceed with the project."

13       SECTION 2. New statutory material is underscored.

14       SECTION 3. This Act shall take effect on July 1, 2021.

APPROVED this 23 day of JUN , 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 78, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives

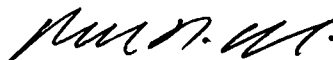



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 13, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate  
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate