

JAN 22 2021

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:

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

3 "**§269-27.6 Construction of high-voltage electric**
4 **transmission lines; overhead or underground construction.** (a)

5 Notwithstanding any law to the contrary, whenever a public
6 utility applies to the public utilities commission for approval
7 to place, construct, erect, or otherwise build a new 46 kilovolt
8 or greater high-voltage electric transmission system, either
9 above or below the surface of the ground, the public utilities
10 commission shall determine whether the electric transmission
11 system shall be placed, constructed, erected, or built above or
12 below the surface of the ground; provided that in its
13 determination, the public utilities commission shall consider:

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



(2) Whether there is a governmental public policy requiring the electric transmission system to be placed, constructed, erected, or built underground, and the governmental agency establishing the policy commits funds for the additional costs of undergrounding;

(3) Whether any governmental agency or other parties are willing to pay for the additional costs of undergrounding;

(4) The recommendation of the division of consumer advocacy of the department of commerce and consumer affairs, which shall be based on an evaluation of the factors set forth under this subsection; and

(5) Any other relevant factors.

(b) In making the determination set forth in subsection

(a), for new 138 kilovolt or greater high-voltage electric transmission systems, the public utilities commission shall evaluate and make specific findings on all of the following 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 subsection (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;



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; and

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

13 SECTION 2. New statutory material is underscored.

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

15 INTRODUCED BY:

M. D. G.

By Request



S.B. NO. 188

Report Title:

Public Utilities Commission; Public Utility; High-voltage
Electric Transmission Lines; Electric Transmission Systems

Description:

Eliminates the requirement for a public utility to seek approval from the public utilities commission for the underground construction of high-voltage electric transmission lines if certain conditions are met.

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