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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Friday, February 5, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 941, RELATING TO THE USE OF ELECTRONIC FILING
BY THE PUBLIC UTILITIES COMMISSION**

Chair Johanson and Members of the Committee:

My name is Dean Nishina, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department supports this administration bill.

The purpose of this bill is to update various provisions in Hawaii Revised Statutes chapters 269, 271, and 271G to modernize the Public Utilities Commission's (Commission) filing practices on a permanent basis.

Current provisions in chapters 269, 271, and 271G require parties to provide both hard copies and electronic copies when filing documents with the Commission. Due to the COVID-19 pandemic, the Commission temporarily altered its processes, which included allowing parties to not file hard copies. This meant that parties only had to provide electronic copies, which ensured the Commission could continue providing services to the public, regulated utilities, and other stakeholders in a safe and efficient manner.

Testimony of DCCA

H.B. 941

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The Commission's modernized filing practice has proven successful, and the Department supports the bill's codification of these modernized practices into law.

Thank you for the opportunity to testify on this administration bill.



DISABILITY AND COMMUNICATION ACCESS BOARD

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FEBRUARY 5, 2021

COMMENTS TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

House Bill 941 – Relating to the Use of Electronic Filing by the Public Utilities Commission

The Disability and Communication Access Board (DCAB) offers comments on House Bill 941, which updates various provisions in chapters 269, 271, and 271G, Hawaii Revised Statutes, to enable the Public Utilities Commission to use electronic filing processes and similar practices.

DCAB offers comments to ensure compliance with Title II of the Americans with Disabilities Act, which requires state and local governments to provide equal access for individuals who are disabled when providing services, programs, or activities, especially persons with communication access needs.

As it concerns HB 941, provisions shall be made to ensure the accessibility of the electronically filed documents. These comments are offered to ensure that all individuals have equal opportunity to participate in processes of their government.

Thank you for this opportunity to provide comments.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

TESTIMONY OF
JAMES P. GRIFFIN, Ph.D.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

February 5, 2021
2:00 p.m.

Chair Johanson and Members of the Committee:

MEASURE: H.B. No. 941

TITLE: RELATING TO THE USE OF ELECTRONIC FILING BY THE PUBLIC UTILITIES COMMISSION.

DESCRIPTION: Updates various provisions in chapters 269, 271, and 271G, Hawaii Revised Statutes, to enable the Public Utilities Commission to use electronic filing processes and similar practices.

POSITION:

The Public Utilities Commission (“Commission”) supports this measure and offers the following comments for consideration.

COMMENTS:

The Commission supports this measure, which would make permanent various operational improvements that the Commission has implemented since the beginning of the COVID-19 pandemic.

Various provisions in HRS Chapters 269, 271, and 271G currently require the Commission to employ hard copy service or filing. Prior to the COVID-19 pandemic, over 95% of the Commission’s docketed filings were on paper and were received in-person or via mail. The paper filings were then scanned by Commission staff into the document management system for internal distribution, public accessibility, and record retention. In addition, the filing agencies often set aside staff to print the paper documents, generate copies, meet in-person to sign their various documents, and hand-deliver the filings to the

Commission. Filings to the Commission are often very lengthy, sometimes exceeding 10,000 pages and filling 10 to 15 boxes.

In response to the COVID-19 pandemic and the Governor's emergency orders, the Commission issued a temporary order, Order No. 37043, to allow for all-electronic filings. The Commission is currently receiving 100% of its docketed filings through electronic means. These initiatives have allowed the Commission to conduct business safely and efficiently during this time, enhancing regulatory processes and creating better outcomes for the Commission and its staff, as well as external stakeholders, regulated utilities, and the general public.

The proposed statutory amendments will enable the Commission to make these operational improvements permanent, so that the Commission can fulfill its statutory duties as efficiently and effectively as possible throughout and beyond the COVID-19 pandemic.

Thank you for the opportunity to testify on this measure.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE**

H.B. 941

Relating to the use of Electronic Filing by the Public Utilities Commission

Tuesday, February 5, 2021

2:00 pm

State Capitol, Conference Room 329

Kevin Katsura
Director, Regulatory Non-Rate Proceedings
Hawaiian Electric Company, Inc.

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

My name is Kevin Katsura and I am testifying on behalf of Hawaiian Electric Company **in support** of H.B. 941.

This bill would amend various sections of Hawai'i Revised Statutes (HRS) Chapters 269, 271, and 271G to allow parties appearing before the Hawai'i Public Utilities Commission (PUC), including Hawaiian Electric, greater access to electronic filing of documents. Throughout the COVID-19 pandemic, the PUC has allowed more electronic filings via its emergency order, which has saved Hawaiian Electric administrative costs as well as allowed for proper social distancing. Electronic filing also has tangible environmental benefits as it limits wasteful printing of paper copies.

It is Hawaiian Electric's understanding that, upon the state of emergency no longer being in place at the State level, the emergency electronic filing rules laid out by the PUC would no longer be effective. Accordingly, Hawaiian Electric supports this bill as it will help make permanent the efficiencies of electronic filing learned over the course of the COVID-19 pandemic.

Hawaiian Electric recommends that the words “**rules or**” be removed from Section 2, subpart (b)(1). This language should be removed to prevent conflicts with current PUC rules. The PUC currently has rules that do not contemplate electronic filing, such as Hawai'i Administrative Rules, Section 16-601-18 requiring the filing of an original and eight copies of all pleadings with the PUC. Therefore, deferring to the current PUC rules may defeat the purpose of this bill. Similar changes could be made to Sections 7 and 11 of this bill for consistency to amend HRS § 271-9.5 and HRS § 271G-7.5, respectively, but as these statutes do not apply to Hawaiian Electric, we take no position on these Sections of the bill.

In light of the foregoing, Hawaiian Electric supports H.B. 941. Thank you for this opportunity to testify.