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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 24, 2021  
9:30 a.m.  
Via Videoconference**

**On the following measure:  
S.B. 32, RELATING TO INFRASTRUCTURE**

**WRITTEN TESTIMONY ONLY**

Chair Baker 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 offers comments on this bill.

The purpose of this bill is to require public water or sewer utilities regulated by the Public Utilities Commission (Commission) to consider the disruption of transportation as a criterion in planning future maintenance.

The Department appreciates the Legislature's recognition of the importance of prioritizing the maintenance of utility infrastructure, and the Department recognizes that such maintenance can cause significant traffic congestion. However, public water and sewer utilities are not the only utilities with underground infrastructure. As drafted, S.B. 32 will affect only Commission-regulated water and sewer utility companies, and these companies primarily serve rural areas. Installation, maintenance, and retirement of

underground infrastructure, whether the utility is regulated by the Commission or is a municipal entity, can affect traffic and transportation. In the past, certain Commission-regulated electric or telecommunications utilities sought approval for capital improvement projects that would potentially affect traffic. In those applications, the Department examined the utilities' efforts to mitigate traffic disruption and minimize roadwork, including by exploring possible coordination with other utilities that could perform underground infrastructure maintenance at the same time.

Before conducting any roadwork, utilities must make appropriate arrangements with the relevant county and/or state agencies that oversee the affected roads. Thus, the Department respectfully suggests that, rather than limiting the bill to only Commission-regulated water and sewer utilities, the bill should target agencies that have roadwork permit oversight, to improve coordination and minimize disruptions in traffic and transportation.

Thank you for the opportunity to testify on this bill.

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

TO THE  
SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

February 24, 2021  
9:30 a.m.

Chair Baker and Members of the Committee:

**MEASURE:** S.B. No. 32

**TITLE:** RELATING TO INFRASTRUCTURE.

**DESCRIPTION:** Requires public water or sewer utilities to consider the disruption to transportation as a criterion in planning future maintenance.

**POSITION:**

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

**COMMENTS:**

The Commission supports this measure’s intent to limit the disruptions to traffic and transportation that arise from planned utility maintenance.

As written, this measure adds a new section to Chapter 269, Hawaii Revised Statutes, and would therefore only apply to public utilities that are regulated by the Commission. The Commission notes that its oversight covers approximately 39 small private water and wastewater utilities; however, the Commission does not have statutory oversight of municipal utilities. With this in mind, the Commission will follow this measure’s policy directive if it is enacted.

Thank you for the opportunity to testify on this measure.