
A BILL FOR AN ACT

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

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

1 SECTION 1. The purpose of this Act is to authorize the
2 electronic filing of documents by and with the public utilities
3 commission.

4 SECTION 2. Section 269-1, Hawaii Revised Statutes, is
5 amended by adding a new definition to be appropriately inserted
6 and to read as follows:

7 "Document" includes any application, complaint, pleading,
8 brief, answer, motion, memorandum, declaration, exhibit,
9 certificate of service, and other papers filed by or with the
10 commission."

11 SECTION 3. Section 269-6.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§269-6.5 Electronic copies of documents.** (a) No later
14 than July 1, 2011, the public utilities commission shall accept
15 from any person who submits a document to the commission the
16 original or one electronic copy of each application, complaint,
17 pleading, brief, or other document required to be filed with the



1 commission pursuant to this chapter, and the consumer advocate
2 shall accept service of one paper or electronic copy of each
3 application, complaint, pleading, brief, or other document filed
4 with the commission.

5 (b) The commission shall adopt rules pursuant to chapter
6 91 to effectuate the purposes of this section. Until the final
7 adoption by the commission of rules governing the electronic
8 filing of documents with the commission, the following
9 requirements shall apply to all documents submitted to the
10 commission pursuant to this section; provided that additional
11 requirements with regard to document format may be established
12 by the commission through written guidelines:

13 (1) Unless otherwise required by this chapter or the
14 guidelines of the commission, each person who submits
15 or files an application, complaint, pleading, brief,
16 or other document shall submit to or file with the
17 commission an original or one electronic copy of each
18 document and shall serve one paper or electronic copy
19 of each document on the consumer advocate;



- 1 (2) All paper documents submitted to or filed with the
2 commission shall be printed on one side of the page
3 only and, if practicable, in portrait orientation;
- 4 (3) Original paper documents submitted to or filed with
5 the commission shall not be stapled but shall be
6 clipped together or placed in a clearly marked three-
7 ring binder, as appropriate;
- 8 (4) All paper documents filed or submitted to the
9 commission shall include appropriately labeled
10 separator pages in addition to tabbed dividers, as
11 applicable;
- 12 (5) All confidential documents filed under confidential
13 seal shall be clearly designated in accordance with
14 the requirements of any applicable protective order,
15 and the sealed envelope in which the confidential
16 documents are enclosed shall clearly indicate the
17 appropriate docket number and subject; and
- 18 (6) Electronic documents shall be named using the filing
19 party's name, docket number, date of filing, and name
20 of document as part of the document title.



1 Upon final adoption of rules pursuant to chapter 91, the
2 rules of the commission governing submission or filing of
3 electronic documents shall supersede the provisions of this
4 subsection.

5 (c) No later than July 1, 2013, the public utilities
6 commission shall accept any application, complaint, pleading,
7 brief, or other document required to be filed with the
8 commission pursuant to this chapter as either a paper document
9 or an electronic document.

10 (d) If a signature is required on any document submitted
11 electronically pursuant to this section, that requirement shall
12 be satisfied by the inclusion of an electronic signature.
13 Chapter 489E shall apply to all electronic documents submitted
14 pursuant to this section.

15 (e) Communications, correspondence, and service of orders
16 and other official documents shall be made upon the public
17 utility, complainant, and any other party at the last recorded
18 mailing or electronic mail address on file with the commission.
19 Proof of service by certified or registered mail or by
20 electronic transmission to the last known mailing or electronic
21 mail address shall constitute a valid service of any



1 communication, correspondence, order, or other official
2 document.

3 (f) A document filed by electronic means shall be
4 equivalent to an original document for the purposes of this
5 chapter."

6 SECTION 4. Section 271-4, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Document" includes any application, complaint, pleading,
10 brief, answer, motion, memorandum, declaration, exhibit,
11 certificate of service, and other papers filed by or with the
12 commission."

13 SECTION 5. Section 271-26.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§271-26.5[+] **Change of address; responsibility;**
16 **service of [~~orders~~] documents.** A motor carrier shall have,
17 maintain and operate from a definite place of business in the
18 State and shall display therein the certificate or permit issued
19 by the public utilities commission. The certificate or permit
20 holder shall report any change of address or telephone number to
21 the commission within five business days from [~~such~~] the change.



1 Communications, correspondence [~~and~~], service of orders, and
2 other official documents shall be made upon the [~~certificate or~~
3 ~~permit holder~~] motor carrier, complainant, and any other party
4 at the last recorded mailing or electronic mail address on file
5 with the commission. Proof of service by certified or
6 registered mail or by electronic transmission to the last known
7 mailing or electronic mail address shall constitute a valid
8 service of any commission's [~~order.~~] official document."

9 SECTION 6. Section 271G-5, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Document" includes any application, complaint, pleading,
13 brief, answer, motion, memorandum, declaration, exhibit,
14 certificate of service, and other papers filed by or with the
15 commission."

16 SECTION 7. Section 271G-7.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§271G-7.5 Electronic copies of documents.** (a) No later
19 than July 1, 2011, the public utilities commission shall accept
20 from any person who submits a document to the commission the
21 original or one electronic copy of each application, complaint,



1 pleading, brief, or other document required to be filed with the
2 commission pursuant to this chapter, and the consumer advocate
3 shall accept service of one paper or electronic copy of each
4 application, complaint, pleading, brief, or other document filed
5 with the commission.

6 (b) The commission shall adopt rules pursuant to chapter
7 91 to effectuate the purposes of this section. Until the final
8 adoption by the commission of rules governing the electronic
9 filing of documents with the commission, the following
10 requirements shall apply to all documents submitted to the
11 commission pursuant to this section; provided that additional
12 requirements with regard to document format may be established
13 by the commission through written guidelines:

14 (1) Unless otherwise required by this chapter or the
15 guidelines of the commission, each person who submits
16 or files an application, complaint, pleading, brief,
17 or other document shall submit to or file with the
18 commission an original or one electronic copy of each
19 document and shall serve one paper or electronic copy
20 of each document on the consumer advocate;



- 1 (2) All paper documents submitted to or filed with the
2 commission shall be printed on one side of the page
3 only and, if practicable, in portrait orientation;
- 4 (3) Original paper documents submitted to or filed with
5 the commission shall not be stapled but shall be
6 clipped together or placed in a clearly marked three-
7 ring binder, as appropriate;
- 8 (4) All paper documents filed or submitted to the
9 commission shall include appropriately labeled
10 separator pages in addition to tabbed dividers, as
11 applicable;
- 12 (5) All confidential documents filed under confidential
13 seal shall be clearly designated in accordance with
14 the requirements of any applicable protective order,
15 and the sealed envelope in which the confidential
16 documents are enclosed shall clearly indicate the
17 appropriate docket number and subject; and
- 18 (6) Electronic documents shall be named using the filing
19 party's name, docket number, date of filing, and name
20 of document as part of the document title.



1 Upon final adoption of rules pursuant to chapter 91, the
2 rules of the commission governing submission or filing of
3 electronic documents shall supersede the provisions of this
4 subsection.

5 (c) No later than July 1, 2013, the public utilities
6 commission shall accept any application, complaint, pleading,
7 brief, or other document required to be filed with the
8 commission pursuant to this chapter as either a paper document
9 or an electronic document.

10 (d) If a signature is required on any document submitted
11 electronically pursuant to this section, that requirement shall
12 be satisfied by the inclusion of an electronic signature.
13 Chapter 489E shall apply to all electronic documents submitted
14 pursuant to this section.

15 (e) Communications, correspondence, and service of orders
16 and other official documents shall be made upon the water
17 carrier, complainant, and any other party at the last recorded
18 mailing or electronic mail address on file with the commission.
19 Proof of service by certified or registered mail or by
20 electronic transmission to the last known mailing or electronic
21 mail address shall constitute a valid service of any



1 communication, correspondence, order, or other official
2 document."

3 SECTION 8. Section 271G-8, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§271G-8[+] Reports and decisions of commission.

6 Whenever the public utilities commission inquires into the
7 operations, operating rights, rates, safety of operations, or
8 directs inquiry and investigation into water carrier activities
9 regulated under this chapter, and holds public hearing thereon,
10 it shall make a report in writing, on paper or an electronic
11 copy, in respect thereto, [~~which~~] that shall state its findings
12 of fact and conclusions of law, together with its decision,
13 order, or requirement in the premises. The provisions of
14 chapter 91 shall apply."

15 SECTION 9. Section 271G-19, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

17 "(e) In addition to any other remedy available, the
18 commission or its enforcement officer may issue citations to
19 persons acting in the capacity of or engaging in the business of
20 a water carrier within the State, without having a certificate
21 of public convenience and necessity or other authority



1 previously obtained under and in compliance with this chapter
2 and the rules adopted thereunder[-], as follows:

3 (1) The citation may contain an order of abatement and an
4 assessment of civil penalties of not less than \$100
5 nor more than \$500 for each offense and, in the case
6 of a continuing violation, not less than \$200 nor more
7 than \$500 for each day that uncertified activity
8 continues. All penalties collected under this
9 subsection shall be deposited in the treasury of the
10 State. Service of a citation issued under this
11 subsection shall be made by personal service [~~whenever~~
12 ~~possible, or by~~]; electronic service; certified mail,
13 restricted delivery, sent to the last known business
14 or residence address; or electronic mail to the
15 address of the person cited[-];

16 (2) Any person served with a citation under this
17 subsection may submit a written request, on paper or
18 electronically, to the commission for a hearing within
19 twenty days from the receipt of the citation, with
20 respect to the violations alleged, the scope of the
21 order of abatement, and the amount of civil penalties



1 assessed. If the person cited under this subsection
2 timely notifies the commission of the request for a
3 hearing, the commission shall afford an opportunity
4 for a hearing under chapter 91. The hearing shall be
5 conducted by the commission, or the commission may
6 designate a hearings officer to hold the hearing[-] *i*

- 7 (3) If the person cited under this subsection does not
8 submit a written request, on paper or electronically,
9 to the commission for a hearing within twenty days
10 from the receipt of the citation, the citation shall
11 be deemed a final order of the commission. The
12 commission may apply to the appropriate court for a
13 judgment to enforce the provisions of any final order
14 issued by the commission or designated hearings
15 officer pursuant to this subsection, including the
16 provisions for abatement and civil penalties imposed.
17 In any proceeding to enforce the provisions of the
18 final order of the commission or designated hearings
19 officer, the commission need only show that the notice
20 was given, a hearing was held, or the time granted for
21 requesting the hearing has run without a request, and



1 a certified copy of the final order of the commission
2 or designated hearings officer[-]; and

3 (4) If any party is aggrieved by the decision of the
4 commission or the designated hearings officer, the
5 party may appeal, subject to chapter 602, in the
6 manner provided for civil appeals from the circuit
7 courts; provided that the operation of an abatement
8 order shall not be stayed on appeal unless
9 specifically ordered by a court of competent
10 jurisdiction after applying the stay criteria
11 enumerated in section 91-14(c). [~~The~~]

12 The sanctions and disposition authorized under this subsection
13 shall be separate and in addition to all other remedies, either
14 civil or criminal, provided in any other applicable statutory
15 provision. The commission may adopt rules under chapter 91 as
16 may be necessary to fully effectuate this subsection."

17 SECTION 10. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 11. This Act shall take effect upon its approval.



Report Title:

Public Utilities Commission; Public Utilities; Motor Carriers;
Hawaii Water Carrier Act; Documents; Electronic Filing

Description:

Authorizes the Public Utilities Commission to use electronic filing processes, including electronic service of documents, under the statutory chapters regulating public utilities, motor carriers, and water carriers. (CD1)

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