
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 269-6.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§269-6.5 Electronic copies of documents. (a) No later
7 than July 1, 2011, the public utilities commission shall accept
8 from any person who submits a document to the commission the
9 original or one electronic copy of each application, complaint,
10 pleading, brief, or other document required to be filed with the
11 commission pursuant to this chapter, and the consumer advocate
12 shall accept service of one paper or electronic copy of each
13 application, complaint, pleading, brief, or other document filed
14 with the commission.

15 (b) The commission shall adopt rules pursuant to chapter
16 91 to effectuate the purposes of this section. Until the final



1 adoption by the commission of rules governing the electronic
2 filing of documents with the commission, the following
3 requirements shall apply to all documents submitted to the
4 commission pursuant to this section; provided that additional
5 requirements with regard to document format may be established
6 by the commission through written guidelines:

- 7 (1) Unless otherwise required by this chapter or the
8 guidelines of the commission, each person who submits
9 or files an application, complaint, pleading, brief,
10 or other document shall submit to or file with the
11 commission an original or one electronic copy of each
12 document and shall serve one paper or electronic copy
13 of each document on the consumer advocate;
- 14 (2) All paper documents submitted to or filed with the
15 commission shall be printed on one side of the page
16 only and, if practicable, in portrait orientation;
- 17 (3) Original paper documents submitted to or filed with
18 the commission shall not be stapled but shall be
19 clipped together or placed in a clearly marked three-
20 ring binder, as appropriate;



1 (4) All paper documents filed or submitted to the
2 commission shall include appropriately labeled
3 separator pages in addition to tabbed dividers, as
4 applicable;

5 (5) All confidential documents filed under confidential
6 seal shall be clearly designated in accordance with
7 the requirements of any applicable protective order,
8 and the sealed envelope in which the confidential
9 documents are enclosed shall clearly indicate the
10 appropriate docket number and subject; and

11 (6) Electronic documents shall be named using the filing
12 party's name, docket number, date of filing, and name
13 of document as part of the document title.

14 Upon final adoption of rules pursuant to chapter 91, the
15 rules of the commission governing submission or filing of
16 electronic documents shall supersede the provisions of this
17 subsection.

18 (c) No later than July 1, 2013, the public utilities
19 commission shall accept any application, complaint, pleading,
20 brief, or other document required to be filed with the



1 commission pursuant to this chapter as either a paper document
2 or an electronic document.

3 (d) If a signature is required on any document submitted
4 electronically pursuant to this section, that requirement shall
5 be satisfied by the inclusion of an electronic signature.
6 Chapter 489E shall apply to all electronic documents submitted
7 pursuant to this section.

8 (e) Communications, correspondence, and service of orders
9 and other official documents shall be made upon the public
10 utility, complainant, and any other party at the last recorded
11 mailing or email address on file with the commission. Proof of
12 service by certified or registered mail or by electronic
13 transmission to the last known mailing or email address shall
14 constitute a valid service of any communication, correspondence,
15 order, or other official document.

16 (f) A document filed by electronic means shall be
17 equivalent to an original document for the purposes of this
18 chapter. For the purposes of this chapter, "document" includes
19 but is not limited to any application, complaint, pleading,
20 brief, answer, motion, memorandum, declaration, exhibit,



1 certificate of service, and other papers filed by or with the
2 commission."

3 SECTION 3. Section 271-9.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§271-9.5 Electronic copies of documents. (a) No later
6 than July 1, 2011, the public utilities commission shall accept
7 from any person who submits a document to the commission the
8 original or one electronic copy of each application, complaint,
9 pleading, brief, or other document required to be filed with the
10 commission pursuant to this chapter, and the consumer advocate
11 shall accept service of one paper or electronic copy of each
12 application, complaint, pleading, brief, or other document filed
13 with the commission.

14 (b) The commission shall adopt rules pursuant to chapter
15 91 to effectuate the purposes of this section. Until the final
16 adoption by the commission of rules governing the electronic
17 filing of documents with the commission, the following
18 requirements shall apply to all documents submitted to the
19 commission pursuant to this section; provided that additional
20 requirements with regard to document format may be established
21 by the commission through written guidelines:



- 1 (1) Unless otherwise required by this chapter or the
2 guidelines of the commission, each person who submits
3 or files an application, complaint, pleading, brief,
4 or other document shall submit to or file with the
5 commission an original or one electronic copy of each
6 document and shall serve one paper or electronic copy
7 of each document on the consumer advocate;
- 8 (2) All paper documents submitted to or filed with the
9 commission shall be printed on one side of the page
10 only and, if practicable, in portrait orientation;
- 11 (3) Original paper documents submitted to or filed with
12 the commission shall not be stapled but shall be
13 clipped together or placed in a clearly marked three-
14 ring binder, as appropriate;
- 15 (4) All paper documents filed or submitted to the
16 commission shall include appropriately labeled
17 separator pages in addition to tabbed dividers, as
18 applicable;
- 19 (5) All confidential documents filed under confidential
20 seal shall be clearly designated in accordance with
21 the requirements of any applicable protective order,



1 and the sealed envelope in which the confidential
2 documents are enclosed shall clearly indicate the
3 appropriate docket number and subject; and

4 (6) Electronic documents shall be named using the filing
5 party's name, docket number, date of filing, and name
6 of document as part of the document title.

7 Upon final adoption of rules pursuant to chapter 91, the
8 rules of the commission governing submission or filing of
9 electronic documents shall supersede the provisions of this
10 subsection.

11 (c) No later than July 1, 2013, the public utilities
12 commission shall accept any application, complaint, pleading,
13 brief, or other document required to be filed with the
14 commission pursuant to this chapter as either a paper document
15 or an electronic document.

16 (d) If a signature is required on any document submitted
17 electronically pursuant to this section, that requirement shall
18 be satisfied by the inclusion of an electronic signature.

19 Chapter 489E shall apply to all electronic documents submitted
20 pursuant to this section.



1 (e) For the purposes of this chapter, "document" includes
2 but is not limited to any application, complaint, pleading,
3 brief, answer, motion, memorandum, declaration, exhibit,
4 certificate of service, and other papers filed by or with the
5 commission."

6 SECTION 4. Section 271-26.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§271-26.5[+] **Change of address; responsibility;**
9 **service of [~~orders.~~] documents.** A motor carrier shall have,
10 maintain and operate from a definite place of business in the
11 State and shall display therein the certificate or permit issued
12 by the public utilities commission. The certificate or permit
13 holder shall report any change of address or telephone number to
14 the commission within five business days from [~~such~~] the change.
15 Communications, correspondence [~~and~~], service of orders, and
16 other official documents shall be made upon the [~~certificate or~~
17 ~~permit holder~~] motor carrier, complainant, and any other party
18 at the last recorded mailing or email address on file with the
19 commission. Proof of service by certified or registered mail or
20 by electronic transmission to the last known mailing or email



1 address shall constitute a valid service of any commission's
2 order."

3 SECTION 5. Section 271G-7.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§271G-7.5 Electronic copies of documents. (a) No later
6 than July 1, 2011, the public utilities commission shall accept
7 from any person who submits a document to the commission the
8 original or one electronic copy of each application, complaint,
9 pleading, brief, or other document required to be filed with the
10 commission pursuant to this chapter, and the consumer advocate
11 shall accept service of one paper or electronic copy of each
12 application, complaint, pleading, brief, or other document filed
13 with the commission.

14 (b) The commission shall adopt rules pursuant to chapter
15 91 to effectuate the purposes of this section. Until the final
16 adoption by the commission of rules governing the electronic
17 filing of documents with the commission, the following
18 requirements shall apply to all documents submitted to the
19 commission pursuant to this section; provided that additional
20 requirements with regard to document format may be established
21 by the commission through written guidelines:



- 1 (1) Unless otherwise required by this chapter or the
2 guidelines of the commission, each person who submits
3 or files an application, complaint, pleading, brief,
4 or other document shall submit to or file with the
5 commission an original or one electronic copy of each
6 document and shall serve one paper or electronic copy
7 of each document on the consumer advocate;
- 8 (2) All paper documents submitted to or filed with the
9 commission shall be printed on one side of the page
10 only and, if practicable, in portrait orientation;
- 11 (3) Original paper documents submitted to or filed with
12 the commission shall not be stapled but shall be
13 clipped together or placed in a clearly marked three-
14 ring binder, as appropriate;
- 15 (4) All paper documents filed or submitted to the
16 commission shall include appropriately labeled
17 separator pages in addition to tabbed dividers, as
18 applicable;
- 19 (5) All confidential documents filed under confidential
20 seal shall be clearly designated in accordance with
21 the requirements of any applicable protective order,



1 and the sealed envelope in which the confidential
2 documents are enclosed shall clearly indicate the
3 appropriate docket number and subject; and

4 (6) Electronic documents shall be named using the filing
5 party's name, docket number, date of filing, and name
6 of document as part of the document title.

7 Upon final adoption of rules pursuant to chapter 91, the
8 rules of the commission governing submission or filing of
9 electronic documents shall supersede the provisions of this
10 subsection.

11 (c) No later than July 1, 2013, the public utilities
12 commission shall accept any application, complaint, pleading,
13 brief, or other document required to be filed with the
14 commission pursuant to this chapter as either a paper document
15 or an electronic document.

16 (d) If a signature is required on any document submitted
17 electronically pursuant to this section, that requirement shall
18 be satisfied by the inclusion of an electronic signature.

19 Chapter 489E shall apply to all electronic documents submitted
20 pursuant to this section.



1 (e) Communications, correspondence, and service of orders
 2 and other official documents shall be made upon the water
 3 carrier, complainant, and any other party at the last recorded
 4 mailing or email address on file with the commission. Proof of
 5 service by certified or registered mail or by electronic
 6 transmission to the last known mailing or email address shall
 7 constitute a valid service of any communication, correspondence,
 8 order, or other official document.

9 (f) For the purposes of this chapter, "document" includes
 10 but is not limited to any application, complaint, pleading,
 11 brief, answer, motion, memorandum, declaration, exhibit,
 12 certificate of service, and other papers filed by or with the
 13 commission."

14 SECTION 6. Section 271G-8, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 **"[+]§271G-8[+] Reports and decisions of commission.**
 17 Whenever the public utilities commission inquires into the
 18 operations, operating rights, rates, safety of operations, or
 19 directs inquiry and investigation into water carrier activities
 20 regulated under this chapter, and holds public hearing thereon,
 21 it shall make a report in writing, on paper or an electronic



1 copy, in respect thereto, [~~which~~] that shall state its findings
2 of fact and conclusions of law, together with its decision,
3 order, or requirement in the premises. The provisions of
4 chapter 91 shall apply."

5 SECTION 7. Section 271G-19, Hawaii Revised Statutes, is
6 amended by amending subsection (e) to read as follows:

7 "(e) In addition to any other remedy available, the
8 commission or its enforcement officer may issue citations to
9 persons acting in the capacity of or engaging in the business of
10 a water carrier within the State, without having a certificate
11 of public convenience and necessity or other authority
12 previously obtained under and in compliance with this chapter
13 and the rules adopted thereunder.

14 (1) The citation may contain an order of abatement and an
15 assessment of civil penalties of not less than \$100
16 nor more than \$500 for each offense and, in the case
17 of a continuing violation, not less than \$200 nor more
18 than \$500 for each day that uncertified activity
19 continues. All penalties collected under this
20 subsection shall be deposited in the treasury of the
21 State. Service of a citation issued under this



1 subsection shall be made by personal service [~~whenever~~
2 ~~possible,~~]; electronic service; or by certified mail,
3 restricted delivery, sent to the last known business
4 or residence address; or by email to the address of
5 the person cited.

6 (2) Any person served with a citation under this
7 subsection may submit a written request, on paper or
8 electronically, to the commission for a hearing within
9 twenty days from the receipt of the citation, with
10 respect to the violations alleged, the scope of the
11 order of abatement, and the amount of civil penalties
12 assessed. If the person cited under this subsection
13 timely notifies the commission of the request for a
14 hearing, the commission shall afford an opportunity
15 for a hearing under chapter 91. The hearing shall be
16 conducted by the commission, or the commission may
17 designate a hearings officer to hold the hearing.

18 (3) If the person cited under this subsection does not
19 submit a written request, on paper or electronically,
20 to the commission for a hearing within twenty days
21 from the receipt of the citation, the citation shall



1 be deemed a final order of the commission. The
2 commission may apply to the appropriate court for a
3 judgment to enforce the provisions of any final order
4 issued by the commission or designated hearings
5 officer pursuant to this subsection, including the
6 provisions for abatement and civil penalties imposed.
7 In any proceeding to enforce the provisions of the
8 final order of the commission or designated hearings
9 officer, the commission need only show that the notice
10 was given, a hearing was held, or the time granted for
11 requesting the hearing has run without a request, and
12 a certified copy of the final order of the commission
13 or designated hearings officer.

- 14 (4) If any party is aggrieved by the decision of the
15 commission or the designated hearings officer, the
16 party may appeal, subject to chapter 602, in the
17 manner provided for civil appeals from the circuit
18 courts; provided that the operation of an abatement
19 order shall not be stayed on appeal unless
20 specifically ordered by a court of competent
21 jurisdiction after applying the stay criteria.



1 enumerated in section 91-14(c). The sanctions and
2 disposition authorized under this subsection shall be
3 separate and in addition to all other remedies, either
4 civil or criminal, provided in any other applicable
5 statutory provision. The commission may adopt rules
6 under chapter 91 as may be necessary to fully
7 effectuate this subsection."

8 SECTION 8. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

Public Utilities Commission; Documents; Electronic Filing

Description:

Authorizes the Public Utilities Commission to use electronic filing processes, including electronic service of documents, to conform to the provisions of chapters 269, 271, and 271G, Hawaii Revised Statutes, and current practices. Effective 7/1/2050.
(SD1)

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