

TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

March 14, 2023
2:00 p.m.

Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

MEASURE: S.B. No. 1327, SD1

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

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, Hawai'i Revised Statutes, and current practices. Effective 7/1/2050. (SD1)

POSITION:

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

COMMENTS:

The Commission strongly supports this administration bill that would authorize electronic filing of documents by and with the Commission. The Commission appreciates the amendments that the Senate Committee on Commerce and Consumer Protection provided in Senate Draft 1.

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

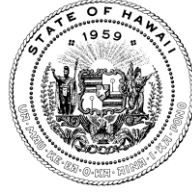
copies, meet in-person to sign their various documents, and hand-deliver the filings to the Commission. Filings to the Commission are often very lengthy, sometimes exceeding 10,000 pages and filling 10 to 15 boxes.

In response to the COVID-19 pandemic, the Commission issued temporary Order No. 37043 contingent on the Governor's emergency orders, to allow for all-electronic filings. This allowed the Commission to conduct business safely and efficiently during the COVID-19 pandemic, enhancing regulatory processes and creating better outcomes for the Commission and its staff, as well as external stakeholders, regulated utilities, and the general public.

Commission Order No. 37043 was superseded, in part, by Act 72, Session Laws of Hawaii 2021 ("Act 72"), which authorized the Commission to implement certain electronic filing processes along with certain electronic service of documents. Although Act 72 allowed the Commission to extend use of the electronic filing process, Act 72 did not address all areas as seen in Order No. 37043, so there remain certain provisions in HRS Chapters 269, 271, and 271G that do not allow for electronic filing or electronic service.

The proposed statutory amendments in this measure to HRS Chapters 269, 271, and 271G will enable the Commission to make electronic operational improvements in Order No. 37043 permanent, so that the Commission can fulfill its statutory duties as efficiently and effectively as possible into the future.

Thank you for the opportunity to testify on this measure.



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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Tuesday, March 14, 2023
2:00 p.m.
Conference Room 329**

**On the following measure:
S.B. 1327, S.D. 1, RELATING TO THE USE OF ELECTRONIC FILING
BY THE PUBLIC UTILITIES COMMISSION**

Chair Nakashima and Members of the Committee:

My name is Dean Nishina, and I am the Acting 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 authorize the Public Utilities Commission (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.

Act 72, Session Laws of Hawaii 2021 (Act 72), authorized the Commission to utilize electronic filing processes, initially implemented in response to the COVID-19 pandemic. This bill makes various housekeeping amendments to fully authorize electronic filing and accompanying electronic transmission of service of process by the Commission and

parties within its jurisdiction and builds upon Act 72 to fully conform the Commission's statute to current practices.

The Commission's modernized filing practice has proven successful, and the Department supports this housekeeping measure to fully implement Act 72.

Thank you for the opportunity to testify, and we respectfully ask the Committee to pass this administration bill.



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 14, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Senate Bill 1327 SD1 – Relating to the Use of Electronic Filing by the Public Utilities
Commission

The Disability and Communication Access Board (DCAB) offers comments on Senate Bill 1327 SD1 – Relating to the Use of Electronic Filing by the Public Utilities Commission. This bill would authorize 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, Hawai'i Revised Statutes, and current 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 programs, services, or activities, especially for persons with communication access needs (i.e., persons who are deaf, hard of hearing, deaf-blind, blind or low vision). As it concerns Senate Bill 1327 SD1, provisions shall be made to ensure electronic filing processes and electronically filed documents are accessible to people with disabilities. These comments are offered to ensure that all individuals have an equal opportunity to participate in the processes of their government.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

Written Statement of
Steven Golden
Vice President – External Affairs

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

March 14, 2023 – 2 PM
Conference Room 329, Hawai'i State Capitol

**SUPPORT FOR:
S.B. 1327 SD1 – RELATING TO THE USE OF ELECTRONIC FILING BY THE
PUBLIC
UTILITIES COMMISSION**

To: Representative Mark M. Nakashima, Chair
Representative Jackson D. Sayama, Vice Chair
Members of the Committee on Consumer Protection & Commerce

Re: Testimony providing support for SB 1327 SD1

Aloha Honorable Chair, Vice-Chair, and Committee Members:

Thank you for this opportunity to submit testimony in support of SB 1327 SD1, which authorizes the Hawai'i Public Utilities Commission to use electronic filing processes, including electronic service of documents, to conform to the provisions of Chapters 269, 271, and 271G, Hawai'i Revised Statutes.

The Hawai'i Public Utilities Commission issued a temporary order, Order No. 37043, in response to the COVID-19 pandemic and the Governor's emergency orders. Order No. 37043 allowed regulated utilities such as Hawaiian Telcom to submit electronic rather than paper filings. These greatly streamlined regulatory filings with the Hawai'i Public Utilities Commission, making our submissions more efficient and less time-consuming. SB 1327 SD1 will enable the Hawai'i Public Utilities Commission to make these operational improvements permanent, resulting in operational efficiencies for the Hawai'i Public Utilities Commission and regulated utilities.

Hawaiian Telcom strongly supports SB 1327 SD1 and respectfully requests that your Committee pass this measure.