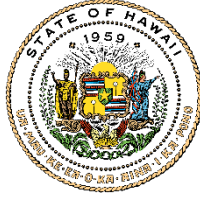


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
PUBLIC SAFETY & INTERGOVERNMENTAL & MILITARY AFFAIRS

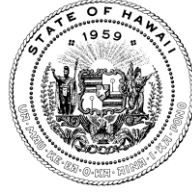
Wednesday, January 24, 2024
3:01 PM
State Capitol, Conference Room 225

In consideration of
SENATE BILL 2091
RELATING TO THE PUBLIC UTILITIES

Senate Bill 2091 proposes to require all telecommunications service providers to communicate relevant information relating to the de-energization of electrical lines to public safety or emergency response offices for the affected areas, requires electrical utilities to maintain their equipment to reduce wildfire risk, and requires electrical utilities to create a wildfire mitigation plan. **The Department of Land and Natural Resources (Department) supports this measure with comments.**

The Department supports requiring telecommunications service providers to notify the public when electrical utilities determine that de-energization of powerlines is necessary due to the threat of wildfire. The Department supports requiring electric utility companies to operate lines and equipment in a manner that minimizes the risk of wildfire, particularly the maintenance of vegetation below and surrounding transmission lines. Where feasible, the Department recommends the installation of transmission lines underground. For transmission lines less than 200 kV, the department recommends maintaining vegetation 30 feet out from lines and equipment. For lines greater than 200 kV, the Department recommends maintaining vegetation 40 feet out from the lines and equipment. For all vegetation maintenance, the Department also recommends electrical utilities follow all state and federal guidelines regarding threatened and endangered species that may occur within their utility easement. The Department also supports requiring electrical utilities to prepare a wildfire mitigation plan and protocols for de-energizing electrical lines. The Department recommends that the Division of Forestry and Wildlife and the county fire departments be consulted during the creation of these plans.

Mahalo for the opportunity to comment on this measure.



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NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Wednesday, January 24, 2024
3:01 p.m.
Conference Room 225**

**On the following measure:
S.B. 2091, RELATING TO PUBLIC UTILITIES**

Chair Wakai and Members of the Committee:

My name is Michael Angelo, 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: (1) require all telecommunications service providers to communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas; (2) require all electric utility companies to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment; and (3) require each electric utility company to prepare a wildfire mitigation plan and protocols for deenergizing electrical lines.

The Department strongly supports public safety or emergency response offices obtaining access to information related to deenergization of electrical lines. The Department offers that the potential to use existing notification processes to generate the

notifications contemplated by this bill should be undertaken as a potential means for minimizing implementation costs. For example, the Wireless Emergency Alerts (“WEA”) system allows federal, state, and local government agencies to send alerts during critical emergency situations, such as those involving imminent threats to safety, life, or recommendations for saving lives and property¹

The Department supports requiring electric utility companies to construct, maintain, and operate electrical equipment in a manner to minimize risks during catastrophic wildfires. The Department offers, however, that determinations of how the electric utility companies should construct, maintain, and operate their electrical equipment in a manner to minimize risks should be undertaken as part of holistic review of the resilience of the State’s electrical system regarding hazardous conditions including, but not limited to, wildfires, high wind events, and flooding. Such a process should explore industry standards regarding wildfire prevention, and more generally, hazard mitigation. Significantly, the process should include the opportunity to receive public feedback, be vetted publicly, and build upon previous stakeholder driven efforts such as the work performed by the Resilience Working Group, which was part of Hawaiian Electric’s Integrated Grid Planning Process.²

Given Hawaii’s state-wide risk to a multitude of hazards, the Department offers support for a holistic system-wide approach to reducing risk to those hazards. The Department is supportive of prioritizing safety and reliability during a range of natural hazards and a process that incorporates state-wide stakeholder feedback. To that end, the Department notes our recommendation in Docket No. 2022-0135, regarding Hawaiian Electric Company’s Climate Adaptation Transmission and Distribution Resilience Program, recommending that the Commission:

open a new docket under Hawaii Revised Statutes § 269-7 to assess the vulnerabilities of the systems of Hawaii’s regulated utilities to threats and disasters, whether they be manmade or caused by extreme natural events. The proposed proceeding would allow for identification and a thorough

¹ See <https://www.honolulu.gov/dem/preparedness/stay-informed.html>.

² See e.g., Resilience Working Group Report for Integrated Grid Planning: <https://www.hawaiianelectric.com/a/7883>

assessment of critical vulnerabilities to the state's regulated utility systems, and risk mitigations to be proposed, evaluated, and prioritized. The targeted outcome of such an effort would be to support the development of plans that rely on risk assessments prioritizing mitigation measures that should be implemented to address critical vulnerabilities efficiently and cost-effectively.³

On November 21, 2023, the Commission issued Order No. 40396, opening a non-docketed proceeding, "Directing Public Utilities to Develop and File Reports Related to their Ongoing Efforts and Future Mitigation Plans to Address Natural Hazards." The Department offers that this non-docketed proceeding offers the opportunity to develop the actions needed to protect ratepayers on a state-wide basis, which could include the electric utilities' wildfire mitigation plans.

Thank you for the opportunity to testify on this bill.

³ Docket No.2022-0135, Department's Response to Life of the Land's Motion for Leave to File Post Fire Information Requests to PUC & HECO, filed on September 18, 2023, at 3.

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

TO THE
SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

January 24, 2024
3:01 p.m.

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

MEASURE: S.B. No. 2091

TITLE: RELATING TO PUBLIC UTILITIES.

DESCRIPTION: Requires all telecommunications service providers to communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas. Requires all electric utility companies to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment. Requires each electric utility company to prepare a wildfire mitigation plan and protocols for deenergizing electrical lines.

POSITION:

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

COMMENTS:

The Commission appreciates the intent of this measure to ensure coordinated and effective response to the deenergization of electrical lines in emergency situations, and to require that electric utilities operate in accordance with a wildfire mitigation plan. Given how critical utility services are to effective emergency response, the Commission agrees that it is imperative for telecommunications providers and electrical utilities to have clear protocols for working with key stakeholders and customers when there is a need to deenergize electrical lines. The Commission understands the importance of reducing the

likelihood and impact of wildfires across the State and is committed to supporting such efforts in its work.

To effectuate the second part of this measure, the Commission would first determine additional detailed requirements of wildfire mitigation plans for electric utilities, including protocols for deenergizing electrical lines. The Commission would review wildfire mitigation plans with input from relevant and expert stakeholders to ensure maximum effectiveness given the complexity and importance of the work. The Commission understands that wildfire mitigation plans are of great interest and importance to the State at this critical juncture and will work to ensure that requirements for such plans are comprehensive, based on best practices, tailored to the unique needs of Hawaii, and created in coordination with those most impacted by the actions identified therein. The Commission observes that other bills, including S.B. 3096, also request that the Commission require and approve wildfire risk mitigation or protection plans from electric utilities. The Commission finds that the approach provided in S.B. 3096 would allow for effective development of risk-based wildfire protection plans (including consideration of line deenergization protocols), and appropriate cost recovery mechanisms for utilities.

Thank you for the opportunity to testify on this measure.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE SENATE COMMITTEE ON
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS**

SB 2091

Relating to Public Utilities

Wednesday, January 24, 2024

3:01 PM

State Capitol, Conference Room 225

Jimmy D. Alberts
Senior Vice President & Chief Operations Officer
Hawaiian Electric

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

My name is Jimmy D. Alberts and I am testifying on behalf of Hawaiian Electric providing comments and requesting amendments on SB 2091.

Hawaiian Electric understands the importance of having a robust wildfire mitigation strategy while providing safe, reliable power at a reasonable cost for our customers and communities. Nearly six months after the tragic Maui wildfires, Hawaiian Electric continues to press ahead with recovery efforts and identifying utility best practices and new technologies to prevent such a tragedy from ever happening again in our service territory.

The Maui wildfires have prompted us to revisit the assumptions and determinations of risk shaping our wildfire mitigation efforts. Hawaiian Electric intends to work closely with the community to address key issues such as whether a preemptive power shutoff program is appropriate for Hawai'i. We also have accelerated and intensified the implementation of our own Wildfire Mitigation Plan and have taken other immediate action steps, including implementing fast trip settings on circuits, re-

inspecting all lines for vulnerabilities, and initiating the process for replacing poles, conductor and fuses in high-risk areas.

While we agree with the intent of this bill to set forth regulatory requirements regarding a Wildfire Mitigation Plan, Hawaiian Electric is requesting your consideration of the attached amendments that would provide a more well-rounded wildfire mitigation plan. We believe the suggested amendments will help clarify the roles and responsibilities of the electric utility and the Public Utilities Commission with respect to such plans. The amendments do not remove any of the requirements on a Wildfire Mitigation Plan already present in the bill, they only consolidate them with additional requirements.

We appreciate the Committee's consideration of the requested amendments and comments to SB 2091. Thank you for this opportunity to testify.

HAWAIIAN ELECTRIC PROPOSED REVISIONS FOR SB 2091:

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

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§269- Telecommunications providers to notify of deenergization of electrical lines. (a) In preparation for receiving notifications regarding the deenergization of electrical lines, all facilities-based mobile telecommunications service providers shall:

- (1) Designate contact points or persons within the company to receive notifications from an electric utility for expected deenergization of electrical lines; and
- (2) Develop uniform protocols prior to a deenergization event to respond appropriately to an outage.

(b) Upon receipt of a notification regarding the deenergization of electrical lines, a facilities-based mobile telecommunications service provider shall communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas.

§269- Electric utility companies; wildfire mitigation plan.

(a) As used in this Section:

- (1) "Electric utility" means a public utility that exists for the furnishing of power.**
- (2) The "Commission" shall refer, unless otherwise indicated, to the Public Utilities Commission.**
- (3) "Plan" means a plan as described in subsection (f).**

~~[(a)]~~**(b)** Each electric utility ~~[company]~~ in the State shall construct, maintain, and operate the company's electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment.

~~[(b) Each electric utility company shall prepare and submit an annual wildfire mitigation plan to the public utilities commission for review and approval. The wildfire mitigation plan shall include:~~

- ~~(1) Protocols for deenergizing electrical lines that consider the associated impacts on public safety, including protocols related to mitigating the public safety impacts on critical first responders and health and communication infrastructures;~~

- ~~(2) Procedures for notifying a customer who may be impacted by the deenergizing of electrical lines;~~
- ~~(3) Procedures for notifying public safety offices, critical first responders, health care facilities, and telecommunications service providers who are within the deenergizing areas about the deenergizing of electrical lines; and~~
- ~~(4) Protocols for deenergizing electrical lines when the deenergization may impact customers or entities who are dependent on the infrastructure."]~~

(c) The Commission may periodically convene community outreach meetings for the purpose of helping electric utilities identify, adopt, and carry out best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.

(d) An electric utility must have and operate in compliance with a risk-based wildfire mitigation plan that is filed with the Commission and has been evaluated and approved by the Commission. The plan must be based on reasonable and prudent practices and on Commission standards adopted by rule. The electric utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers, and promote electrical system resilience to wildfire damage.

(e) An electric utility shall submit and then on an annual basis update a risk-based wildfire mitigation plan on a schedule determined by the Commission. The plan must, at a minimum:

- (1) Identify areas that are subject to a heightened risk of wildfire.**
- (2) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.**
- (3) Identify preventive actions and programs that the electric utility will carry out to minimize the risk of utility facilities causing a wildfire.**
- (4) After seeking input from relevant governmental entities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure. The protocol shall include:**

- (i) Protocols for deenergizing electrical lines that consider the associated impacts on public safety, including protocols related to mitigating the public safety impacts on critical first responders and health and communication infrastructures;
 - (ii) Procedures for notifying a customer who may be impacted by the deenergizing of electrical lines;
 - (iii) Procedures for notifying public safety offices, critical first responders, health care facilities, and telecommunications service providers who are within the deenergizing areas about the deenergizing of electrical lines; and
 - (iv) Protocols for deenergizing electrical lines when the deenergization may impact customers or entities who are dependent on the infrastructure.
- (5) Describe the procedures, standards and time frames that the electric utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (1) of this subsection.
- (6) Describe the procedures, standards and time frames that the electric utility will use to carry out vegetation management in areas that the public utility identifies under paragraph (1) of this subsection.
- (7) Identify the estimated development, implementation and administration costs for the plan.
- (8) Identify the community outreach and public awareness efforts that the electric utility will use with respect to wildfires.
- (9) Identify the timelines, as applicable, for development, implementation, and administration of any aspects of the plan.
- (f) The Commission shall evaluate an electric utility's plan and plan updates through a public process.
- (g) Not more than 180 days after an electric utility files a plan or plan update, the Commission shall approve or approve with conditions the plan or update if the Commission finds that the plan or update is based on reasonable and prudent practices and designed to meet all applicable rules and standards adopted by the Commission. The Commission may, in approving the plan or update with conditions, make modifications to the plan or update that it believes represent a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk. The Commission will issue a decision explaining any such

modifications at the time it approves the plan. In evaluating a plan, the Commission may consult with and consider information from governmental entities, including counties, as well as other industry organizations, provided that the Commission identifies the nature of such consultation in its decision.

(h) The Commission may adopt rules for the implementation of this section. The rules may include, but need not be limited to, procedures and standards regarding vegetation management, public power safety shutoffs and restorations, pole materials, circuitry and monitoring systems.

(i) In its decision pursuant to subsection (h), the Commission shall determine the reasonable costs to develop, implement and administer the plan and shall authorize the electric utility to recover such costs in rates. The Commission shall establish a method to allow timely recovery of the costs it authorizes for recovery. The Commission will assess these costs on a statewide basis based on the development, implementation and administration costs for the plan; it will not assess the costs based on the utility service territory which is particularly affected by any aspect of the plan. The electric utility shall track the costs it actually incurs to develop, implement and administer the plan. In its submission under subsection (f), the electric utility shall report on such costs as actually incurred for the most recent past period for which such information is available. If the actual costs are less than the amounts the Commission determined were reasonable in its decision under subsection (h), the Commission shall direct the electric utility to refund or credit such costs to ratepayers. If the actual costs are equal to or greater than the amounts the Commission determined were reasonable in its decision under subsection (h), then the Commission shall not direct the electric utility to refund to ratepayers the amount the Commission previously determined was reasonable, but may disallow the recovery from ratepayers of any additional costs the Commission finds were unreasonable. In connection with any such review, (i) actual costs that are no more than 15% greater than the costs the Commission previously determined were reasonable shall be presumed prudent and authorized for recovery from ratepayers absent proof by clear and convincing evidence that such costs were unreasonable, and (ii) the electric utility shall have the burden of proving the reasonableness of actual costs that are more than 15% greater than the costs the Commission previously determined were reasonable.

(j) No electric utility shall be civilly liable for the death of or injury to persons, or property damage, as a result of or in connection with any the followings acts or omissions:

(1) Any act taken in accordance with a plan or updated plan approved by the Commission under this Section; or

(2) Any failure to take an action proposed by an electric utility in a plan or updated plan and thereafter removed from the plan by modification of the Commission.

(k) In any action seeking to hold an electric utility civilly liable for the death of or injury to persons, or property damage, no inference of liability may be drawn solely based on a failure by the electric utility to adhere to the requirements of an approved plan.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

HEARING DATE: Wednesday, January 24, 2024
TIME: 3:01 p.m.
PLACE: State Capitol
Conference Room 225

LATE

RE: Testimony in Support of the Intent with Proposed Amendments- Senate Bill 2091

Aloha Honorable Chair Wakai, Vice Chair Elefante, and Members of the Committee;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony on Senate Bill 2091.

IBEW 1260, is comprised of approximately 3,000 members representing Hawaii's electric utility companies as well as Government Service Contracts throughout Hawaii, Guam, and Wake Island. Our members are a diverse workforce that largely consists of highly skilled and trained individuals working 24 hours a day, 7 days a week, to generate, transmit, and distribute electricity throughout Hawai'i and to ensure the reliability of this precious resource.

IBEW 1260 supports the intent of Senate Bill 2091 which seeks to require all telecommunications service providers to communicate relevant information relating to the de-energization of electrical lines to public safety or emergency response offices for the affected areas and to require that all electric utility companies to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment, as well as prepare a wildfire mitigation plan and protocols for de-energizing electrical lines, however, we respectfully request your committee's consideration of the amendments as proposed by Hawaiian Electric.

The proposed amendments do not take away from or restrict the underlying intent of the bill, but rather outlines clear roles and responsibilities of the various stakeholders involved and provides a more comprehensive approach to protecting the public's safety and welfare and mitigating future risk.

Mahalo for the opportunity to testify on this important matter, we look forward to working with you going forward.