
A BILL FOR AN ACT

RELATING TO ELECTRIC UTILITIES.

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

1 SECTION 1. The purpose of this Act is to require electric
2 utilities to design and operate in compliance with a risk-based
3 wildfire protection plan.

4 SECTION 2. Chapter 269, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 **"PART . WILDFIRE PROTECTION AND MITIGATION**

8 **§269-A Electric utility workshops.** The public utilities
9 commission shall periodically convene workshops to help electric
10 utilities develop and share information for the identification,
11 adoption, and implementation of best practices regarding
12 wildfires, including but not limited to risk-based wildfire
13 protection and risk-based wildfire mitigation procedures and
14 standards.

15 **§269-B Wildfire protection plans.** (a) Each electric
16 utility shall have and operate in compliance with a risk-based
17 wildfire protection plan, which shall be filed with and



1 evaluated by the public utilities commission. The risk-based
2 wildfire protection plan shall be based on reasonable and
3 prudent practices identified through workshops conducted by the
4 commission pursuant to section 269-A and on commission standards
5 adopted by rule. The electric utility shall design the risk-
6 based wildfire protection plan to protect public safety, reduce
7 risk to utility customers, and promote resilience of the Hawaii
8 electric system to wildfire damage. The plan shall, at a
9 minimum:

- 10 (1) Identify areas that are subject to a heightened risk
11 of wildfire;
- 12 (2) Identify a means for mitigating wildfire risk that
13 reflects a reasonable balancing of mitigation costs
14 with the resulting reduction of wildfire risk;
- 15 (3) Identify preventive actions and programs that the
16 electric utility will carry out to minimize the risk
17 of utility facilities causing a wildfire;
- 18 (4) After seeking information from state and local
19 entities, identify a protocol for the deenergizing of
20 power lines and adjusting of power system operations
21 to mitigate wildfires, promote the safety of the



1 public and first responders, and preserve health and
2 communication infrastructure;

3 (5) Describe the procedures, standards, and time frames
4 that the electric utility will use to inspect utility
5 infrastructure in areas that the electric utility
6 identifies under paragraph (1);

7 (6) Describe the procedures, standards, and time frames
8 that the electric utility will use to carry out
9 vegetation management in areas that the electric
10 utility identifies under paragraph (1);

11 (7) Identify the estimated development, implementation,
12 and administration costs for the risk-based wildfire
13 protection plan; and

14 (8) Identify the community outreach and public awareness
15 efforts that the electric utility will use before,
16 during, and after a wildfire season.

17 (b) Each electric utility shall regularly update its risk-
18 based wildfire protection plan on a schedule determined by the
19 commission.



1 (c) To develop the risk-based wildfire protection plan,
2 the electric utility may consult with and consider information
3 from state and local entities.

4 (d) The commission, in consultation with the department of
5 land and natural resources and local emergency services
6 agencies, shall evaluate each electric utility's risk-based
7 wildfire protection plan and plan updates through a public
8 process.

9 (e) No more than one hundred eighty days after receiving a
10 risk-based wildfire protection plan or plan update from an
11 electric utility, the commission shall approve or approve with
12 conditions the plan or update if the commission finds that the
13 plan or update is based on reasonable and prudent practices
14 identified through workshops pursuant to section 269-A and
15 designed to meet all applicable rules and standards adopted by
16 the commission.

17 (f) The commission's approval of a risk-based wildfire
18 protection plan does not establish a defense to any enforcement
19 action for violation of a commission decision, order, or rule,
20 or relieve an electric utility from proactively managing



1 wildfire risk, including by monitoring emerging practices and
2 technologies.

3 (g) The commission shall adopt rules for the
4 implementation of this section. The rules may include but need
5 not be limited to procedures and standards regarding vegetation
6 management, public power safety shutoffs and restorations, pole
7 materials, circuitry, and monitoring systems.

8 (h) All reasonable operating costs incurred by, and
9 prudent investments made by, an electric utility to develop,
10 implement, or operate its risk-based wildfire protection plan
11 under this section are recoverable in the rates of the electric
12 utility from all customers through a filing. The commission
13 shall establish an automatic adjustment clause or another method
14 to allow timely recovery of the costs.

15 **§269-C Effect of part.** Nothing in this part shall be
16 construed to affect the terms or conditions of easement held by
17 an electric utility over private land as of the effective date
18 of this Act.

19 **§269-D Penalties.** In addition to any other penalties
20 provided by law, a violation of this part by an electric utility
21 shall be subject to a civil penalty of no more than \$10,000.



1 All moneys collected under this section shall be deposited into
2 the public utilities commission special fund."

3 SECTION 3. Section 269-9, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**S269-9 Report accidents.** (a) Every public utility shall
6 report to the public utilities commission all accidents and
7 wildfires potentially caused by or occurring in connection with
8 its operations and service, and the commission shall investigate
9 the causes of [any]:

10 (1) Any accident [which results] that resulted in the loss
11 of life[7]; and

12 (2) Any wildfires that:

13 (A) May have been caused by a public utility;

14 (B) Destroyed a significant amount of public utility
15 equipment; or

16 (C) Resulted in the loss of life; and

17 may investigate any other accidents which in its opinion require
18 investigation.

19 (b) The public utility's reporting of an accident or
20 wildfire under this section shall not be admissible evidence in
21 any judicial, administrative, or other governmental proceeding



1 for purposes of establishing that the wildfire was caused by the
2 public utility."

3 SECTION 4. Each electric utility shall file its first
4 risk-based wildfire protection plan with the public utilities
5 commission required under section 269-B, Hawaii Revised
6 Statutes, established by section 2 of this Act, no later than
7 December 31, 2024.

8 SECTION 5. In codifying the new sections added by section
9 2 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 6. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 19 2024



H.B. NO. 2102

Report Title:

PUC; Electric Utilities; Wildfire Protection Plan; Civil Penalties

Description:

Requires the Public Utilities Commission to convene workshops to aid electric utilities in the development and implementation of best practices regarding wildfires. Requires electric utilities to design and operate in compliance with a risk-based wildfire protection plan. Establishes a civil penalty for violations. Requires public utilities to report wildfires caused by or occurring in connection with their operations. Requires the Public Utilities Commission to investigate certain wildfires. Prohibits the reports as admissible evidence in any judicial, administrative, or other governmental proceeding.

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