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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Finance
Monday, February 27, 2023
11:30 a.m.
Conference Room 308**

**On the following measure:
H.B. 1029, H. D. 1, RELATING TO THE USE OF ELECTRONIC FILING
BY THE PUBLIC UTILITIES COMMISSION**

Chair Yamashita and Members of the Committee:

My name is Dean Nishina, and I am the Acting Executive Director for 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.

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

TO THE
HOUSE COMMITTEE ON
FINANCE

February 27, 2023
11:30 a.m.

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

MEASURE: H.B. No. 1029, HD1

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, under the statutory chapters regulating public utilities, motor carriers, and water carriers. Effective 6/30/3000. (HD1)

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.

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.

HB-1029-HD-1

Submitted on: 2/25/2023 9:37:54 AM

Testimony for FIN on 2/27/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Henry Curtis	Life of the Land	Support	Remotely Via Zoom

Comments:

Life of the Land strongly supports this bill.



WRITTEN TESTIMONY ONLY
February 27, 2023

Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair
House Committee on Finance

RE: House Bill 1029, H.D. 1 – RELATING TO THE USE OF ELECTRONIC FILING BY THE PUBLIC UTILITIES COMMISSION
Hearing date: February 27, 2023, 11:30 a.m.

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

Thank you for the opportunity to submit testimony on behalf of Young Brothers, LLC (“YB”) offering **STRONG SUPPORT** for House Bill 1029, H.D. 1 – Relating to the Use of Electronic Filing by the Public Utilities Commission.

YB is a common carrier by water, transporting property by tug and barge between the islands of O‘ahu, Hawai‘i, Kaua‘i, Maui, Moloka‘i, and Lāna‘i. YB is currently the only water carrier authorized to transport property under Chapter 271G, Hawaii Revised Statutes (“HRS”) (i.e., the Hawaii Water Carrier Act), subject to the regulatory authority of the Public Utilities Commission of the State of Hawaii (“PUC”). Since 1900, customers across Hawaii have relied on YB’s frequent, regular, and universal sailings to serve as the bridge that connects all communities in this island-state.

This measure would authorize the PUC to use electronic filing processes, including electronic service of documents to conform to the provisions of HRS Chapters 269, 271, and 271G and current practices.

Prior to the COVID-19 pandemic, the PUC filing process often required YB to create multiple hard-copies of regulatory filings that were often thousands of pages. These hard-copies would then be hand-delivered to the PUC in boxes, via hand-truck or wagon. Additionally, YB was often required to provide the PUC with a burned disc containing a scanned electronic copy of the original document. This filing process was redundant, and often extremely time and resource consuming, particularly for larger filings. In response to the COVID-19 pandemic, the PUC issued a temporary order to allow for electronic filings. While there was an initial learning curve, the overall result has been a dramatically streamlined and efficient filing process. The amendments proposed in this measure will enable the PUC to make this process permanent.

For the reasons stated above, YB offers **STRONG SUPPORT** for this measure.

Thank you for your service to the State of Hawaii, and for the opportunity to testify offering comments on this measure.

Sincerely,

Kris Nakagawa
Vice President, External and Legal Affairs



Written Statement of
Steven Golden
Vice President – External Affairs

HOUSE COMMITTEE ON FINANCE

February 27, 2023

11:30 a.m.
State Capitol, Conference Room 308, Videoconference

SUPPORT FOR:

H.B. 1029, HD1 – RELATING TO THE USE OF ELECTRONIC FILING BY THE PUBLIC

UTILITIES COMMISSION

To: Chair Yamashita, Vice-Chair Kitagawa, and Members of the Committee
Re: Testimony providing support for HB 1029, HD1

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

Thank you for this opportunity to submit testimony in support of HB 1029, HD1, which 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.

The 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 filings rather than paper filings. These greatly streamlined regulatory filings with the Public Utilities Commission, making our filings more efficient and less time consuming. HB 1029, HD1 will enable the Public Utilities Commission to make these operational improvements permanent, resulting in operational efficiencies for the Public Utilities Commission and regulated utilities.

Hawaiian Telcom strongly supports HB 1029, HD1 and respectfully requests that your Committee pass this measure.