

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

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

**Senate Committees on Commerce and Consumer Protection and Energy  
and Intergovernmental Affairs**

Tuesday, February 11, 2025

9:30 a.m.

State Capitol, Conference Room 229 and Videoconference

**With Comments  
Senate Bill No. 1201, Relating to Wildfires**

Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Senate Committees on Commerce and Consumer Protection and Energy and Intergovernmental Affairs:

The Office of the Governor provides the following comments for S.B. No. 1201, Relating to Wildfires. This bill establishes the Wildfire Recovery Fund and allows securitization for electric utilities.

The Lahaina wildfires resulted in unbearable loss of lives, homes, infrastructure, and businesses. This tragic event is a wake-up call that due to climate changes, the risk of catastrophic wildfires, along with other natural disasters in Hawaii has increased.

The Office of the Governor appreciates that this proposal tries to address how our state and utilities address the financial impacts of catastrophic wildfires, including how we stabilize our electric utility and our energy future. However, the Governor is keenly aware of our state's high electrical rates and the impact that it has on all our residents. We respectfully ask that this Committee and the Legislature, consider looking at significantly increasing the initial contribution by Hawaiian Electric Industries to decrease the impact and contributions to the ratepayers of our state.

The Office of the Governor recognizes the importance of establishing the Wildfire Recovery Fund but is concerned about placing it within a state agency. To uphold transparency and accountability, the fund should remain independent, free from constraints that could complicate its administration. Separating it from state agencies would help prevent the risk of financial entanglements, ensuring that all resources are directed exclusively toward wildfire recovery efforts. The Office believes that maintaining this autonomy is vital to ensuring the fund remains focused on its intended purpose.

Testimony of the Office of the Governor  
S.B. No. 1201  
February 11, 2025  
Page 2

While the Office of the Governor has unresolved concerns regarding the mechanics of this legislation, we do not oppose this bill moving forward so that discussions may continue with the electric utility and other key affected stakeholders.

Mahalo for the opportunity to provide testimony on this measure.



# Hawai'i Climate Advisory Team

To: Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair  
Senate Committee on Energy and Intergovernmental Affairs

From: The Climate Advisory Team

RE: **SB1201 - Relating to Wildfires - Support with Comments**  
Tuesday, February 11, 9:30 a.m.; Conference Room 229 & Videoconference

Aloha Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

On behalf of the Governor's Climate Advisory Team, I submit this testimony **supporting the intent of SB1201**, which seeks to establish a Wildfire Recovery Fund to provide an efficient and cost-effective compensation mechanism for individuals and businesses impacted by wildfires when a regulated utility is alleged to have caused or contributed to the wildfire. This bill represents a critical step toward addressing the growing wildfire threat in Hawai'i while ensuring resilience funding is available to those who need it most.

The tragic August 2023 Maui wildfires demonstrated the devastating impact wildfires can have on our communities, natural resources, and economy. As the frequency and intensity of extreme weather events increase, we must proactively implement policies that mitigate wildfire risks and ensure timely financial recovery for affected individuals.

The Climate Advisory Team supports the intent of SB1201 based on the following ways in which it aligns with our recommendations and offers comments below on topics for further consideration.

## **The Wildfire Recovery Fund Proposal Largely Aligns with the Recommendations of the CAT:**

1. **Ensuring Rapid Recovery for Impacted Residents**
  - a. SB1201 establishes a structured compensation mechanism, allowing impacted individuals and businesses to receive financial relief without the lengthy and costly burden of civil litigation.



# Hawai'i Climate Advisory Team

- b. The bill aligns with the Climate Advisory Team's recommendation for a **Hawai'i Disaster Recovery Fund (HDRF)** that prioritizes financial assistance for vulnerable residents recovering from disasters.
2. **Strengthening Hawai'i's Resilience Through Sustainable Funding**
  - a. A well-designed recovery fund ensures that those affected by wildfires receive timely compensation while maintaining the financial stability of public utilities responsible for providing essential services.
  - b. The Climate Advisory Team supports the creation of a **Hawai'i Climate Resilience Fund (HCRF)** to support proactive resilience measures, including wildfire mitigation strategies such as invasive species management, fuel reduction, and community education.
3. **Wildfire Mitigation Must Be Prioritized**
  - a. Preventive action, such as **the removal of invasive grasses, improved land management, and enhanced fire suppression capacity**, is critical to reducing wildfire risk.
  - b. Requiring a well-funded wildfire mitigation plan will both reduce the severity of future fires and ensure that the Wildfire Recovery Fund remains sustainable.

## Further Considerations on the Wildfire Recovery Fund and Securitization

While we support establishing a Wildfire Recovery Fund, further discussion is needed regarding the proposed funding mechanism and participation in the fund. As stated in the January 2025 "[Policy Recommendations on Climate Disaster Resilience, Recovery and Funding](#)" report, the Climate Advisory Team believes that wildfire resilience and recovery is a shared responsibility among all major stakeholders, including utilities, landowners, and government agencies, and that a careful balance must be struck between utility shareholder and ratepayer interests.

- **Broader Participation:** The legislature should consider participation in the fund by **large landowners, state and county governments, and other responsible entities** to equitably distribute costs and ensure long-term financial stability. If such broader participation is not feasible in the near term, the fund should allow for expansion in the future.
- **Equitable Burden Sharing:** Currently, SB1201 proposes that shareholders contribute only \$5 million upfront, while ratepayers bear the bulk of the funding burden. The CAT recognizes that the fund will have direct and indirect benefits to ratepayers, that warrant ratepayer contributions. Further discussion is needed regarding the balance between shareholders and ratepayers for initial contributions to align incentives and ensure fair cost distribution.



# Hawai'i Climate Advisory Team

- **Securitization Considerations:** We recognize the complex relationship between a utility's financial health (and therefore access to lower-cost capital) and the cost burden on ratepayers who end up paying for interest on utility debt. A wildfire recovery fund will limit financial uncertainty and potential liability exposure, helping to stabilize utilities' financial positions and enabling them to attract needed investment for infrastructure and mitigation work at a reduced cost of capital. Securitization is a powerful tool in capitalizing the wildfire recovery fund, but we urge the Legislature to carefully evaluate its impact on ratepayers and ensure it does not reduce the incentive to implement critical resilience initiatives.

The proposed SB1201 is an important step forward in safeguarding Hawai'i's communities from the devastating impacts of wildfires. By creating a dedicated Wildfire Recovery Fund and ensuring a sustainable funding structure, this bill can help protect our residents, businesses, and environment while seeking to reduce the overall cost burden on ratepayers. We urge the committee to advance SB1201 while continuing discussions to refine the funding model to maximize effectiveness and fairness.

Mahalo for the opportunity to testify in support of this important legislation.

With aloha,

The Climate Advisory Team



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I**  
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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the**  
**Senate Committees on Commerce and Consumer Protection**  
**and**  
**Energy and Intergovernmental Affairs**  
**Tuesday, February 11, 2025**  
**9:30 a.m.**

**On the following measure:**  
**S.B. 1201, RELATING TO WILDFIRES**

Chair Keohokalole, Chair Wakai, and Members of the Committees:

My name is Nadine Ando, and I am the Director of the Department of Commerce and Consumer Affairs ("Department" or "DCCA"). The Department offers comments for this bill.

The purposes of this bill are to (1) establish the Wildfire Recovery Fund, and (2) allow securitization for electric utilities.

The Department recognizes the urgent need to address the financial impacts of catastrophic wildfires and views this bill as a critical step in achieving that goal. We appreciate the bill's emphasis on creating an efficient administrative claims process, modeled after the One Ohana Fund, to ensure timely compensation for those affected. The provision preserving claimants' rights to pursue litigation if they reject a fund settlement is an important safeguard, and the bill's limitations on total payouts for

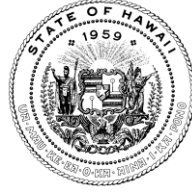
property damage provide a thoughtful balance between supporting those impacted and maintaining the financial stability of public utilities.

While the Department supports the creation of the Wildfire Recovery Fund, the Department does not believe that the Wildfire Recovery Fund should be housed in DCCA or any other state agency. Keeping this fund separate from state agencies will further ensure its operational independence, which is crucial for effective governance and decision making. Maintaining the fund outside of state agencies will help ensure that its resources are used solely for their intended purpose of wildfire recovery and not commingled with other state funds.

The Department also believes that the legislation should consider a means to minimize the impact on rate payers and also deliver something in return to customers for contributing to this fund. The department recommends that the initial contribution by Hawaiian Electric Industries should be increased, thereby decreasing ratepayer contributions. In addition, the utility should be required to timely refund interest on the funding amount back to ratepayers (e.g., on an annual basis) and/or using the interest to fund hazard mitigation investments.

The Department believes the proposed Wildfire Recovery Fund will serve the public interest by creating a mechanism for efficient compensation for property damage caused by future catastrophic wildfires while also safeguarding the financial integrity of Hawaii's regulated utilities.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
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## Testimony of the Department of Commerce and Consumer Affairs

Before the  
Senate Committee on Commerce and Consumer Protection  
And  
Senate Committee on Energy and Intergovernmental Affairs  
Tuesday, February 11, 2025  
9:30 a.m.  
Conference Room 229

On the following measure:  
**S.B. 1201, RELATING TO WILDFIRES**

Chair Keohokalole, Chair Wakai, and Members of the Committees:

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 establish the Wildfire Recovery Fund and allow securitization for electric utilities.

The Department hopes that Hawaii will never again suffer the incredible loss and destruction of a major wildfire. The Department also understands the societal benefit of having the ability to provide efficient compensation for property damaged or lost if there is any future wildfire. However, the Department offers that this fund places the responsibility for funding the proposed one billion dollars almost entirely on Hawaiian Electric's customers without any assurance of a clearly defined and quantifiable benefit. Additionally, the Department notes that the most effective investment in reducing the risk



of catastrophes from wildfire or importantly other threats to which Hawaii is highly vulnerable, such as high winds and flooding, is investment in maintaining the reliability of our electrical grid and utility systems. The Department offers the following comments to strengthen and improve the proposals in this bill.

Hawaiian Electric has provided comments from Moody's credit rating agency representing that to protect utility credit quality and retain investor confidence in the event of catastrophic wildfires a policy framework is needed that includes limits on liability, a sufficiently large wildfire fund to cover the costs of a catastrophic event, and transparent guidelines or certification requirements for fire mitigation. The liability limits in proposed Sections A-8, A-9, and A-10 may improve utility credit, but the Department would like to see more evidence and quantitative analysis of:

- What the financial benefits of participating in this fund may be to utilities and their customers?
- How the \$1.005 billion initial contribution for investor-owned electric utilities in proposed Section A-3(b) was calculated?
- Why the "actuarial assessment of risk" standard for other participating utilities in proposed Section A-3(d) is not as or more appropriate for investor-owned electric utilities?

In addition, the Department believes that for any public utility that intends to participate, but at a minimum Hawaiian Electric, it must be required to provide a comparison to costs for current commercial insurance coverage compared to wildfire property damage and loss.

The Department also believes that utility customers should not be the primary or sole contributor to such a fund and that it is appropriate to ensure that customers contribution to such a fund be significantly limited. Customers' financial contributions are more appropriately expended on infrastructure investments. As such, the Department offers the following suggested changes:

- For investor-owned electric utilities, instead of the \$5 million contribution from shareholders in proposed Section A-3(b)(2), which is only 0.5% of the \$1 billion contribution that would be recovered from ratepayers in proposed Section A-

3(b)(1), the Department recommends changing proposed Section A-3(b) to require that the majority of the contribution to the fund be from the investor-owned electric utility; and

- In proposed Section A-3(d) that the majority of other public utilities' contributions will not be recoverable from ratepayers.

The Department notes that several of the amendments to this companion bill, H.B. 982, H.D.1, improves protection for utility customers. Most notably, Section A-3(b) makes the majority of the contribution of any participating investor-owned electric utility not recoverable from utility customers. The Department recommends a similar amendment to the senate version to ensure that the majority of contribution of any participating investor-owned electricity utility not be recoverable from utility customers.

The Department also recommends that customers contributions to the fund should provide some defined value to them, such as using the interest on the relief fund as an annual refund to customers, or to fund hazard mitigation projects that might lower the overall risk of needing the relief fund.

Finally, in proposed Chapter B, the Department recommends that a "reasonable" standard be added to proposed Section B-1 "Financing costs", both for which categories of financing costs may be allowed at all from the numbered list, as well as for the amounts allowed of any approved financing cost categories.

Thank you for the opportunity to testify on this bill.

JOSH GREEN, M.D.  
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## Testimony of the Public Utilities Commission

To the  
Senate Committees on  
Commerce & Consumer Protection  
and  
Energy & Intergovernmental Affairs

February 11, 2025  
9:30 a.m.

Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees:

**Measure:** S.B. No. 1201  
**Title:** RELATING TO WILDFIRES

### Position:

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

### Comments:

The Commission appreciates the intent of this measure to establish the Wildfire Recovery Fund and allow for electric utilities to finance their contributions the Wildfire Recovery Fund through securitization.

The Commission notes that the Wildfire Recovery Fund proposed in S.B. 1201 appears conceptually very similar to the California Wildfire Fund. Both funds are designed to provide a source of money to reimburse eligible claims arising from a wildfire that may have been caused by a participating electric utility. A participating electric utility's shareholders and ratepayers would each provide contributions to capitalize the fund, and these contributions may be financed through the securitization.

Nevertheless, the proposed Wildfire Recovery Fund and the California Wildfire Fund differ in a very significant way. The initial contributions to the California Wildfire Fund were split evenly between the electric utilities' shareholders and its ratepayers, with \$10.5 billion in initial contributions from shareholders and \$10.5 billion in initial contributions from ratepayers. S.B. 1201 sets the initial contribution from shareholders to \$5 million and the initial contribution from ratepayers to \$1 billion. In other words, shareholders would be

responsible for 0.5% of the initial contributions, while ratepayers would be responsible for 99.5% of the initial contributions. This split is in stark contrast to the 50/50 split between shareholders and ratepayers in funding the initial contributions to the California Wildfire Fund. While the Commission respectfully defers to the Legislature to determine what the appropriate split between shareholder and ratepayer contributions to the Wildfire Recovery Fund should be, the Commission urges the Legislature to carefully balance the following considerations in making that determination: (1) an electric utility's ability to raise capital independently of any authorized securitization in this bill; and (2) the bill impact to ratepayers of any ratepayer contributions.

The Commission also urges the Legislature to carefully consider whether establishing the Wildfire Recovery Fund will achieve any of its intended outcomes. In doing so, examining California's experience with the California Wildfire Fund may prove instructive.

For example, if an objective of the Wildfire Recovery Fund is to quickly provide compensation to wildfire victims, the Wildfire Recovery Fund must be adequately funded at the time of distribution, otherwise wildfire victims may not be quickly or adequately compensated in the event of a catastrophic wildfire caused by an electric utility. In California, the California Wildfire Fund reported having approximately \$14.7 billion available as of December 12, 2024,<sup>1</sup> but media reports on the estimated damages arising from the recent Los Angeles wildfires provide damage estimates that go as high as \$250 billion.<sup>2</sup> While many of the facts regarding the Los Angeles wildfires are still uncertain, including whether the Los Angeles wildfires were caused by electric utility operations or infrastructure and the actual damage amounts, there is reason to be concerned that the initial determination of the appropriate size of the California Wildfire Fund may not have been sufficient.

Likewise, if an objective of the Wildfire Recovery Fund is to raise utility's credit rating to an investment grade rating, California's experience with the California Wildfire Fund shows that having such an insurance fund is not a silver bullet solution. While the establishment of the California Wildfire Fund may be viewed favorably by credit rating agencies, it is not dispositive and PG&E (the electric utility found responsible for causing the 2018 Camp Fire) still has a credit rating that is below investment grade rating, despite the California Wildfire Fund being in existence since 2019.<sup>3</sup>

Additionally, the Commission has several concerns regarding its role in the Wildfire Recovery Fund and the securitization of any ratepayer contributions to the Wildfire Recovery Fund.

First, §A-5 (beginning on page 12, line 14) mandates that the Commission review the prudence of a public utility's conduct if the Wildfire Recovery Fund has made payments

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<sup>1</sup> <https://www.cawildfirefund.com/sites/wildfire/files/documents/2024/section-3287-statutory-report-2025.pdf>

<sup>2</sup> See <https://www.latimes.com/business/story/2025-01-24/estimated-cost-of-fire-damage-balloons-to-more-than-250-billion>

<sup>3</sup> See <https://investor.pgecorp.com/-PGE-Investors-Fixed-Income/Fixed-Income/>

with respect to a covered catastrophic wildfire and a contributor's facilities were implicated in the covered catastrophic wildfire. Performing this prudency review is likely to be a time and resource intensive task, which may affect the Commission's ability to perform its other statutory duties. Additionally, this effort is likely to require the services of a consultant or firm with expertise in this area. The Commission notes that: (1) §A-2(e) empowers the Executive Director of the Wildfire Recovery Fund to retain, employ, or contract with officers, experts, and other professionals; (2) §A-4 permits the Executive Director of the Wildfire Recovery Fund to adopt rules to determine whether a wildfire is a covered catastrophic wildfire; (3) §A-6 permits the Executive Director of the Wildfire Recovery Fund to adopt rules to create a process for claimants to submit claims to the Wildfire Recovery Fund; and (4) §A-6(c)(3) and §A-6(c)(4) requires the Executive Director of the Wildfire Recovery Fund to consider the strength of any evidence of contributor liability and the evidence of involvement of non-contributor third-parties in determining the settlement of any claims. Given the broad powers and authority of the Executive Director of the Wildfire Recovery Fund, it may be more reasonable and appropriate for the Executive Director of the Wildfire Fund to determine the prudence of a public utility contributor's conduct leading up to a catastrophic wildfire. In addition, in connection with §A-6, the Commission suggests the bill might need clarification as to whether the Executive Director's authority includes determining the validity of specific claims and the recoverable value of specific claims made against the Fund.

Second, §B-1 defines "Wildfire recovery costs" (see page 27, line 17) as including "professional fees, consultant fees, redemption premiums, tender premiums, and other costs incurred by the electric utility in using proceeds of bonds to acquire outstanding securities of the electric utility that the commission has determined were or will be prudently incurred." The Commission is concerned that such a definition may permit an electric utility to refinance existing bonds through the securitization process authorized by S.B. 1201, which may be broader than the Legislature's intentions regarding securitization.

Third, §B-2(d) (see page 33, line 13) requires that the Commission issue an approval or denial of any application for a financing order within ninety days of the last filing in the applicable docket but no later than one year after the application is filed. While the Commission appreciates the desire for an expedited decision on an application for a financing order, the Commission believes that any overly prescriptive deadline for a Commission decision may affect the Commission's ability to carefully scrutinize and consider this novel issue. The Commission notes that it already typically issues decisions for financing requests from its regulated public utilities within a year of the filing of the application and has generally been responsive to any specific deadlines for expedited decisions identified by the public utilities in their applications.

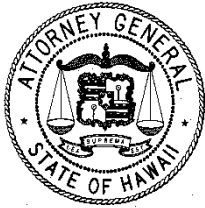
Finally, although the Commission understands the desire of any bondholders for assurance that any collateral will be unaffected for the duration of the bond, the Commission is concerned that the list of prohibited actions by the Commission and the State listed in §B-3 (beginning on page 36, line 1) and the irrevocable, nonbypassable nature of any wildfire recovery charges authorized by a financing order may hinder the

Commission's ability to oversee the operations of the state's public utilities and the Commissions' ability to keep rates just and reasonable as circumstances change.

Should the Committee choose to move S.B. 1201 forward, the Commission respectfully requests the following amendments.

1. Replacement of the Commission with the Executive Director of the Wildfire Recovery Fund as the entity responsible for conducting the prudency review in §A-5;
2. Limit the definition for "wildfire recovery costs" in §B-1 to just "an investor-owned electric utility's contributions to the wildfire recovery fund, as set forth in section A-3, and electric cooperative wildfire claims costs."; and
3. Removal of "but no later than one year after the application is filed" on Lines 16-17 of Page 33.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 1201, RELATING TO WILDFIRES.

**BEFORE THE:**  
SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON  
ENERGY AND INTERGOVERNMENTAL AFFAIRS

**DATE:** Tuesday, February 11, 2025      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Randall S. Nishiyama, Supervising Deputy Attorney General

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Chairs Keohokalole and Wakai and Members of the Committees:

The Department of the Attorney General provides the following comments regarding this bill.

This bill attempts to address the risk of catastrophic wildfires by providing an efficient, low-cost process for property owners, renters, businesses, and their insurers to obtain compensation for the damage resulting from a catastrophic wildfire that a regulated utility is alleged to have caused or contributed to, while limiting the liability of the regulated utility to protect its financial health. This bill establishes the Wildfire Recovery Fund (Fund) and establishes the statutory framework to implement the Fund. In addition, this bill allows for the financing of the Fund through the securitization of ratepayer charges.

We note that the bill proposes several features that could adversely impact the State and its residents. The following list highlights those features that we believe are material for the Legislature to consider in its assessment of the bill.

- 1. Section A-2 - Wildfire Recovery Fund, page 7, line 5, through page 9, line 6.**

The nature of the Fund, that is, whether it is a special fund or a trust fund should be explicitly stated. We believe that the Fund is a trust fund as defined in section 37-62, Hawaii Revised Statutes (HRS). The Fund will operate as a separate, State-created entity with a fiduciary duty to manage its resources for the benefit of its intended

purpose, the protection from catastrophic wildfires. Moneys in the Fund are derived from the ratepayer charges, regulated utilities contributions, and investment income, and we believe that such moneys are held in trust for the exclusive use of covering catastrophic wildfire related losses and administrative costs. This structure mirrors the characteristics of a trust fund. The bill should state the pertinent legislative findings to document that the Fund is a trust fund.

The bill refers to the Fund as a "public body corporate and politic" (page 8, lines 1-2); however, this characterization is inaccurate since the Fund is not a legal corporate entity. One way to resolve this would be for the bill to establish the Wildfire Recovery Fund Corporation (Corporation) and define its statutory framework within the Department of Commerce and Consumer Affairs for administrative purposes. The Fund could then be placed within the Corporation.

While moneys in the Fund can be invested (page 7, lines 11-14), the investment policies of the Fund are not specified. The bill should specify that the Corporation's Board of Directors is responsible for establishing the Fund's investment policies.

**2. Section A-3 - Financial Contributions Required from the Investor-Owned Utilities to Capitalize the Fund, page 9, line 7, through page 12, line 5.**

Subsection (b)(1) - Contributions from investor-owned electric utilities:

- Amount: \$1,000,000,000 plus interest (if applicable)
- Funding mechanism: The \$1,000,000,000 is to be recovered from the investor-owned utilities' customers through nonbypassable rates that can be securitized. The Public Utilities Commission (PUC) must approve the nonbypassable rate charges. These nonbypassable rates mean that the customers must pay this charge.

Subsection (b)(2) - Shareholders of the investor-owned utilities:

- Amount: \$5,000,000
- Funding mechanism: This contribution comes from the shareholders of the investor-owned utilities, not from the ratepayers.
- Purpose: To pay the salaries of the Executive Director of the Fund and other personnel needed to implement this chapter. If any of



this \$5,000,000 remains unspent by 2035, it must be transferred to the Fund.

Subsection (c) - Funding by the Investor-Owned Utilities:

The investor-owned utilities may elect to capitalize the Fund over a period not to exceed five years unless paid through securitization. Any amount deferred after the first year shall accrue interest at the utility's cost of borrowing for long-term debt. The utilities are allowed to recover the principal and accrued interest from customers through rates approved by the PUC.

Under the financing mechanisms to capitalize the Fund, the bulk of the \$1,000,000,000 financial burden falls on customers either through nonbypassable rates or rates charged for their electricity usage while the smaller contribution (\$5,000,000) is funded by the shareholders of the investor-owned utilities.

**3. Section A-6 - Claims for Payment by Qualified Claimants, page 14, line 14, through page 16, line 11.**

Subsection (a) - Process for Claims:

Subsection (a) provides that the Executive Director of the Fund must establish a process through rulemaking under chapter 91, HRS, for non-governmental claimants to submit claims to the Fund.

The bill expressly provides that only non-governmental claimants may make a claim ("a qualified claimant that is not governmental entity," page 14, line 17). This would preclude the State from making a claim for damages to State-owned property, including, for example, housing projects.

The claims must concern economic damages related to property damage from a covered catastrophic wildfire.

The administrative rules will include a submission deadline for the claims.

Subsection (b) - Claimants Eligibility and Restrictions

- Filing requirement:
  - Qualified claimant must file a claim for uninsured economic damages related to property damage.
  - Claims by non-property insurers are limited to uninsured losses, that is, damages not covered by insurance.

- Bar on civil actions:
  - Qualified claimant cannot file or pursue a civil lawsuit against a participating utility that contributes to the Fund unless:
  - The claimant first files a claim with the Fund, and
  - The claimant rejects the settlement offer made by the Fund.
- Deadline consequences:

If a claimant fails to file a claim by the established deadline set by the Executive Director, the claimant is precluded from receiving payment from the Fund and instituting any civil action against the participating utility.

We believe that this statutory provision, which restricts a person from suing an entity, may raise constitutional concerns depending on the context and the entity involved. Potential constitutional issues include Due Process, Equal Protection, the Right to Access the Courts, and the Takings Clause, particularly regarding the deprivation of a person's property interest without just compensation.

#### Subsection (c) - Settlement Offers

The Executive Director of the Fund must review submitted claims and make settlement offers to the claimants.

Claimants may accept or reject the offer.

In determining the amount of the settlement offer, the Executive Director must consider:

1. The total damages sought by all claimants.
2. The total amount available in the Fund versus the total claims.
3. The strength of evidence regarding the utility's liability.
4. The strength of evidence regarding the involvement of non-contributor third parties.

#### Subsection (d) - Insufficiency of Moneys in the Fund

If the Fund's available moneys are less than fifty percent of the aggregate liability limit as defined in the bill, the Fund will only make payments to participating utilities, not to claimants. This means that, to the extent that the Fund lacks sufficient moneys to cover all claims, a claimant would have no further recourse against the participating

utility. Consequently, Fund payments depend on the availability of moneys that may affect the Fund's ability to compensate claimants if moneys in the Fund are limited.

This bill appears to prioritize the needs of participating utilities over claimants when the Fund lacks sufficient funds.

**4. Section A-8 - Limitation on Aggregate Liability, page 17, line 3, through page 18, line 16.**

The aggregate liability for all participating utilities for qualifying damages arising from a covered catastrophic wildfire is subject to a specified liability cap. Even if the claimant rejects an offer to settle and brings a claim in court, the liability cap will apply to the civil action. Amounts are payable whether or not be participating utilities' actions contributed to the property damage; however, no further amount would be payable if it is determined that the participating utility acted prudently.

**5. Section B-2 - Application to Issue Bonds and Authorize Wildfire Recovery Charges, page 29, line 12, through page 35, line 21.**

The utilities can recover wildfire-related costs through securitization by issuing bonds backed by a nonbypassable charge on customers' bills.

The bill gives the State very little discretion as to who issues the bonds in the case of a securitization in that the State would have to follow the provisions of the PUC's financing order. The utility applies for a financing order, which application names the entity that it proposes to issue bonds, and the PUC can only accept or deny such applications based on certain prescribed criteria.

**6. Section B-5 - Wildfire Recovery Charge, page 45, line 14, through page 46, line 19.**

The wildfire recovery charge is a mandatory, nonbypassable fee to repay the bonds and related financing costs authorized under a financing order. It is reflected as a separate line item on a customer's bill.

As long as the bonds remain unpaid, the charge must be paid by all existing and future consumers within the utility's service area.

We respectfully ask the Committee to amend this bill to address these concerns or, alternatively, hold the bill.



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE & CONSUMER PROTECTION  
AND  
ENERGY & INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

Tuesday, February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Jason Benn

Senior Vice President

Hawaiian Electric

Aloha Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Jason Benn, Senior Vice President for Hawaiian Electric and I am testifying **in strong support of SB 1201, Relating to Wildfires**, and requesting amendments prompted by input from the Attorney General's office.

This bill is in the public interest and protects the people of Hawaii and our economy by creating a fund to provide compensation to property owners, renters, and insurers if there were to be a future catastrophic wildfire. We took the feedback we heard from legislators and key stakeholders last session and revised the bill to make it simpler. It achieves the following three key objectives that reasonably balance the interest of many:

1. **Protect claimants and the economy** by creating a speedy process that provides fair compensation for property damage should another catastrophic wildfire occur, while preserving rights to pursue litigation.

2. **Protect customers from cost increases caused by utilities' exposure to unlimited wildfire liability.** Simply put, unbounded wildfire liability risk results in bad credit and high cost of capital for the utility, which in turn leads to higher costs to customers. The bill also provides for a unique giveback feature based on future risk reductions.
3. **Preserve accountability for wildfire risk mitigation.** The bill ensures that utilities are held accountable to prudently protect the public from wildfire risk by conditioning their participation on having a Hawaii Public Utilities Commission (PUC)-accepted wildfire mitigation plan; and by making shareholders pay if the utility is found imprudent.

### **Protect claimants and the economy**

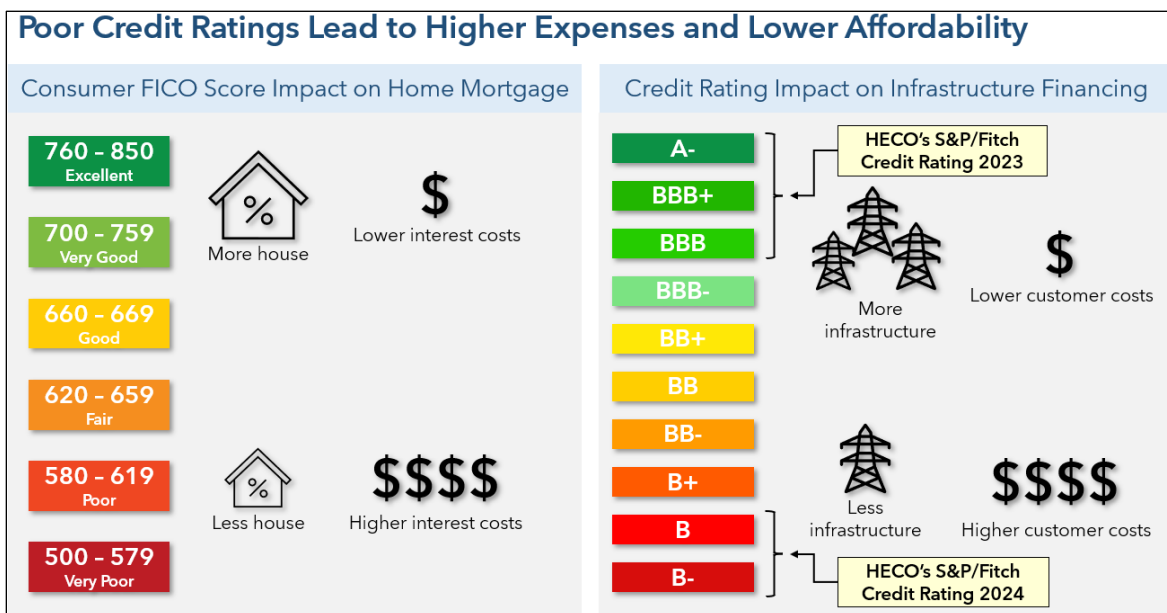
This bill creates a streamlined process to offer settlement payments for property damages quickly after a catastrophic fire, without the need for a lengthy and uncertain litigation process. Claimants don't have to hire a lawyer and can keep all of the settlement proceeds, without giving one third or more to attorneys, much of which would likely leave the state. No claimant would have to prove any contributing utility legally liable for a fire. But the bill preserves the right of any person to reject the fund's settlement offer and hire a lawyer to sue.

We note that in its January 2025 report, the Climate Advisory Team ("CAT") created by the Governor endorsed "efforts to establish a separate disaster mitigation fund that would provide benefits to Hawaii residents," including specifically for wildfires. (CAT Report at 36.) The Wildfire Recovery Fund meets the criteria recommended by the CAT for recovery legislation. (CAT Report, App'x F.)

The bill proposes that Hawaiian Electric’s initial contribution to the fund be \$1 billion and be included in rates like all other costs related to providing essential utility services, including wildfire insurance premiums. To reduce the cost to customers, the bill proposes that this amount be securitized, which will result in a rate of about \$4 per month for the typical residential customer. To protect customers further, we are proposing a unique refund mechanism described below.

**Protect customers from cost increases caused by utilities’ exposure to unlimited wildfire liability**

Creating forward-looking financial protection for potential future catastrophic wildfires is a key part of restoring Hawaiian Electric’s credit rating. Utility credit rating and cost of capital are directly correlated to wildfire risk. Cost of capital is accounted for in the rate making process and directly impacts customer rates. As illustrated below, just as credit score affects consumers in buying a home, a utility’s credit rating and cost of capital directly results in higher costs to customers, all else being equal.

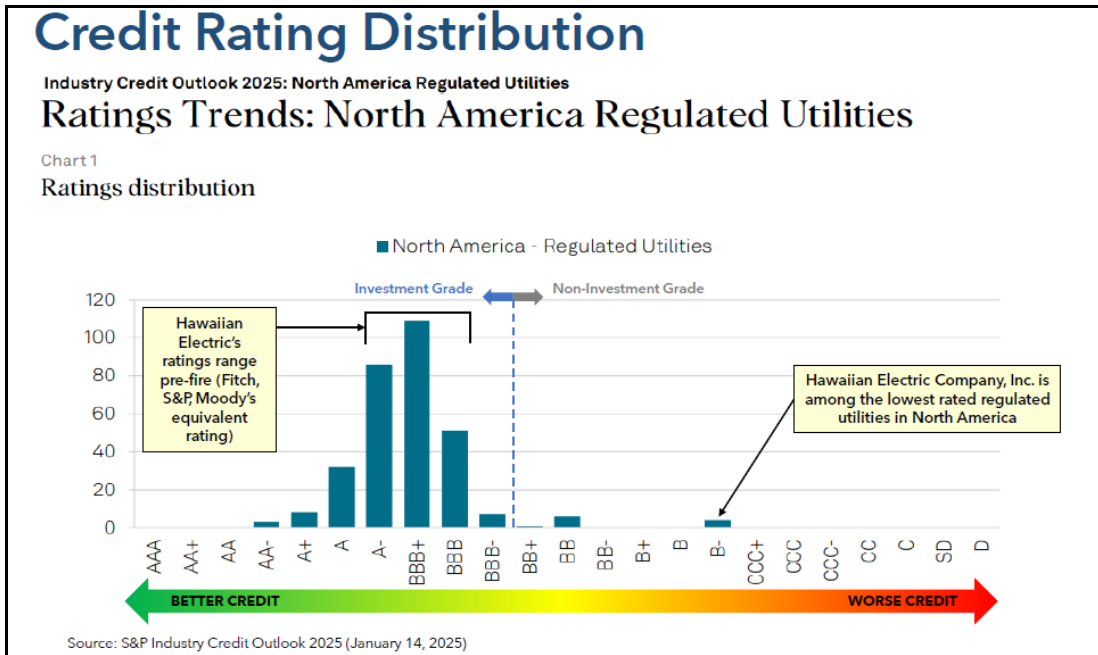


Addressing the problem of wildfire liability thus protects customers.

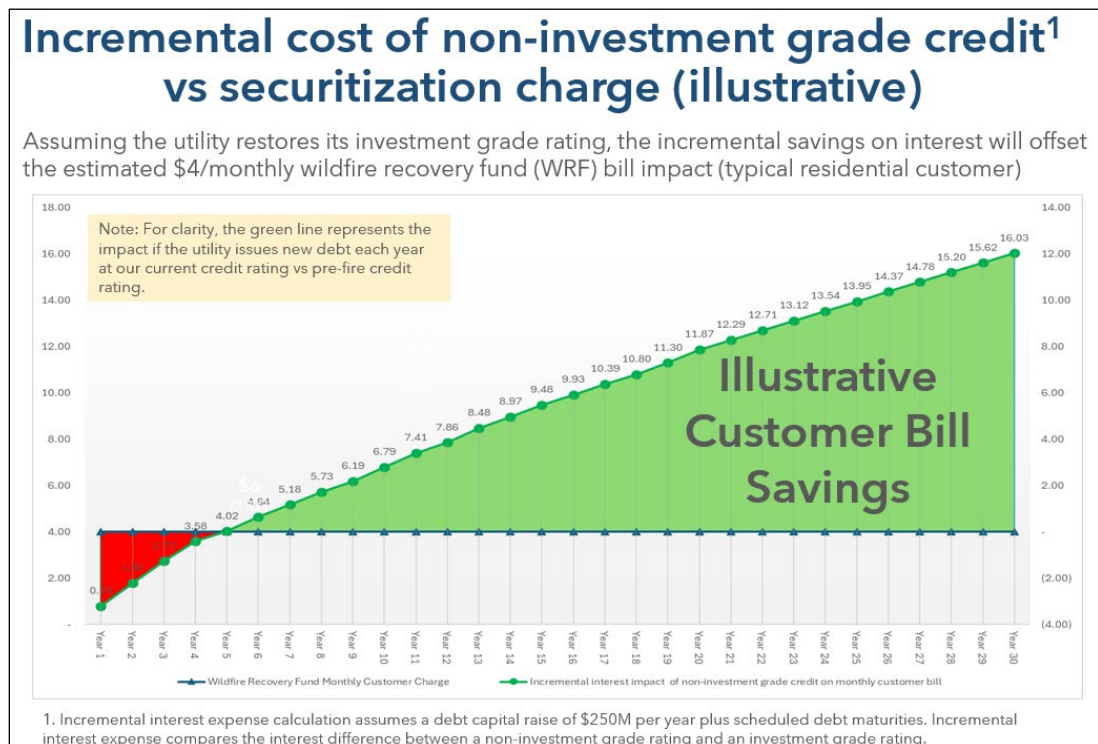
Wildfire risk exists, not due to any one entity, but is the result of a number of factors, including climate change and land management practices. Hawaiian Electric is taking vital steps to reduce wildfire risk. However, we can't completely eliminate that risk. And unlike an unregulated, private company, Hawaiian Electric has a duty to serve; it cannot decide to stop serving customers when the risk becomes too high in the environment in which it serves.

Without some financial protection in place to eliminate unlimited liability from future wildfires, regulated utilities like Hawaiian Electric risk losing access to capital on reasonable terms or at all, even as they need such capital to provide essential services and to make critical infrastructure investments in wildfire safety, resiliency, reliability, and the advancement of state energy policy.

To protect customers from these negative effects, the bill would reasonably mitigate the risk of unlimited financial liability from wildfires. It would do so, in part, by means of an aggregate cap on payments through the administrative process and litigation for property damages only. An aggregate cap reflects a reasonable balance between the interests of those who suffer losses from a wildfire and the interests of everyone in obtaining reliable, safe, and affordable electricity. And it reflects the modern reality that even when a utility's facilities ignite a fire, whether it is immediately extinguished or spreads depends on many factors that are outside the utility's control. This bill is necessary for the utility to begin the stepwise process of restoring its credit rating to pre-fire levels.



Once the utilities are able to regain investment grade credit rating, the cost savings to customers can more than offset the cost of financing the \$1 billion dollar fund (estimated as ~\$4 for the typical residential customer), as illustrated below.





The bill also includes a refund provision to further protect customers. Over the past year, work done by hundreds of Hawaiian Electric employees has already reduced the potential for a fire ignited by our equipment by approximately 60 percent, according to a nationally recognized wildfire prevention specialist. The implementation of wildfire mitigation plans by contributor utilities is expected to further reduce risk over time. The bill provides that, in ten years, the Legislature will assess whether reduced risk means the fund can give money back to customers, with interest.

### **Preserve accountability**

The bill will also help keep Hawaii safer from wildfires. The bill allows utilities to participate, so long as they demonstrate a commitment to Hawai'i wildfire safety by having a PUC-accepted wildfire mitigation plan. PUC acceptance and oversight ensures that utilities are held accountable to prudently protect the public from wildfire risk. Furthermore, the bill requires utilities to replenish the fund from shareholders, should they be found to have acted imprudently in the event of a future fire.

Importantly, we emphasize that this bill does not apply to claims arising from the August 2023 event—it is a forward-looking bill. Hawaiian Electric has entered a global settlement to resolve those claims, including a commitment to make almost \$2 billion in payments funded by shareholders, not customers.

### **Conclusion**

We believe this bill is in the public interest and protects the people of Hawaii, while reasonably balancing stakeholder interests. Separately, we are proposing a few minor edits to the bill, which are included in the attached red-line, summarized in the attached index of exhibits. The majority of these edits are technical edits to Chapter B

(the securitization provisions) that were made in response to input from the Attorney General's office to improve the clarity and mechanics of that chapter.

Solving the impacts of climate change on our State must be addressed collectively and collaboratively. Please pass SB 1201.

**Hawaiian Electric Supports S.B. 1201 with amendments**  
**Index of Proposed Amendments to S.B. 1201 (As Introduced)**

| <b><u>Section</u></b>                         | <b><u>Redline of Edit</u></b>                                                                                                                                                                                                                                                                                                                        | <b><u>Description of Edit</u></b>                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §A-3(b)(1)                                    | <p>4 (b) The initial contributions from investor-owned electric</p> <p>5 utilities collectively shall be:</p> <p>6 (1) \$1,000,000,000 <del>plus interest as provided in subsection</del></p> <p>7 <del>(c) for amounts not securitized</del>, which amounts shall</p> <p>8 be recovered from its customers in nonbypassable</p> <p>9 rates; and</p> | <p>This edit is not intended to change the substance of the Act. Section A-3(c) already makes clear that (1) interest is added to non-securitized payments that are made over time, and (2) the \$1 billion, plus interest on non-securitized deferred payments, are recovered in rates. The deleted text is unnecessary and created an unintended ambiguity.</p> |
| §B-1<br>Definitions<br>“Electric Cooperative” | <p>15 "Electric cooperative" means an electric utility that <del>meets</del></p> <p>16 <u>satisfies</u> the requirements under section 269-31(c).</p>                                                                                                                                                                                                | <p>Grammatical correction.</p>                                                                                                                                                                                                                                                                                                                                    |
| §B-1<br>Definitions<br>“Financing Costs”      | <p>1 (6) <u>Costs related to the engagement of services of a</u></p> <p>2 <u>financial advisor by the commission pursuant to SB-</u></p> <p>3 <u>3(H); and-</u></p> <p>4 <u>(7) Other costs as specifically authorized by a financing</u></p> <p>5 order.</p>                                                                                        | <p>Implements AG’s request to allow PUC to retain financial advisor, the costs of which will be recovered from the bond proceeds.</p> <p>See also the suggested edits to §B-3(h).</p>                                                                                                                                                                             |

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>§B-1<br/> Definitions<br/> “Wildfire<br/> Recovery<br/> Costs”</p>                           | <p>17 "wildfire recovery costs" means an investor-owned electric<br/> 18 utility's contributions to the wildfire recovery fund, as set<br/> 19 forth in section A-3, and electric cooperative wildfire claims<br/> 20 costs. <del>wildfire recovery costs shall also include professional</del><br/> 21 <del>fees, consultant fees, redemption premiums, tender premiums, and</del><br/> 22 <del>other costs incurred by the electric utility in using proceeds</del><br/> 23 <del>of bonds to acquire outstanding securities of the electric</del><br/> 24 <del>utility that the commission has determined were or will be</del><br/> 25 <del>prudently incurred.</del></p>                                                                                                                                                                                                                                                         | <p>Deleted because the only costs to be securitized are a contribution to the recovery fund.</p>                                                                                               |
| <p>§B-2(c)<br/> (allocation<br/> of wildfire<br/> recovery<br/> costs among<br/> customers)</p> | <p>2 (c) An electric utility may file an application for a<br/> 3 financing order, including as a joint application with one or<br/> 4 more affiliate electric utilities, to issue bonds to recover<br/> 5 wildfire recovery costs. The application shall include a<br/> 6 description of <u>how</u> +<br/> 7 <del>(1) How the wildfire recovery charges costs will be allocated</del><br/> 8 among <u>consumers of</u> the applicant electric utilities <del>in a manner</del><br/> 9 <del>that is equitable and that need not correspond to the incurrence</del><br/> 10 <del>of wildfire recovery costs by each electric utility; and</del><br/> 11 <del>(2) Whether and how the consumers of any of the applicant</del><br/> 12 <del>electric utilities will be responsible for the payment of</del><br/> 13 <del>wildfire recovery charges allocated to consumers of</del><br/> 14 <del>affiliate electric utilities.</del></p> | <p>Simplified because the only costs to be securitized are fund contributions; allows PUC to allocate charges among customers of 3 utilities.</p>                                              |
| <p>§B-2(d)<br/> (timeline of<br/> approval by<br/> the<br/> commission)</p>                     | <p>4 (d) The commission shall issue an approval or denial of<br/> 5 any application for a financing order filed pursuant to this<br/> 6 section within ninety days of the last filing in the applicable<br/> 7 docket but no later than <del>one year</del> <u>120 days</u> after the application<br/> 8 is filed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>We shortened the timeline to 120 days, consistent with other states’ securitization statutes. Extended time creates challenges with rating agencies. Issues PUC will decide are narrow.</p> |

|                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>§B-2(e)(1)<br/> (public interest standard)</p>       | <p>9 (e) In exercising its duties under this section, the<br/> 10 commission shall consider:<br/> 11 (1) Whether <del>the recovery of such costs,</del> <u>the issuance of</u><br/> 12 <u>the bonds, and the imposition and collection of</u><br/> 13 <u>wildfire recovery charges</u> <del>are</del> consistent with the<br/> 14 public interest;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Based on the suggestion of the AG, we clarified that the public interest standard is applicable to the charge, and not the costs, because the costs are the fund contribution which the statute defines and declares recoverable. PUC will decide whether recovery of these costs via securitization is in the public interest.</p> |
| <p>§B-2(f)<br/> (imposition of charge on customers)</p> | <p>23 (f) Wildfire recovery charges and any associated fixed<br/> 24 recovery tax amounts shall be imposed only on existing and<br/> 25 future consumers in the utility service territory <u>of the</u><br/> 26 <u>electric utility that is subject to such financing order.</u><br/> 27 Consumers within the utility service territory of the electric<br/>   1 utility that <del>are</del> <u>is</u> subject to the financing order shall<br/> 2 continue to pay wildfire recovery charges and any associated<br/> 3 fixed recovery tax amounts until the bonds and associated<br/> 4 financing costs are paid in full by the financing entity.</p>                                                                                                                                                                                                                                                                                                                                                             | <p>Clarification based on the suggestion of the AG.</p>                                                                                                                                                                                                                                                                                |
| <p>§B-3(b)<br/> (prohibited State actions)</p>          | <p>13 (b) Notwithstanding any other law to the contrary, with<br/> 14 respect to wildfire recovery property that has been made the<br/> 15 basis for the issuance of bonds and with respect to any<br/> 16 associated fixed recovery tax amounts, the financing order, the<br/> 17 wildfire recovery charges, and any associated fixed recovery tax<br/> 18 amounts shall be irrevocable. The State and its agencies,<br/> 19 including the commission, pledge and agree with bondholders, the<br/> 20 owners and assignees of the wildfire recovery property, and<br/> 21 other financing parties that the State and its agencies shall<br/> 22 not take any action listed in this subsection. This subsection<br/> 23 shall not preclude an action if such action would not adversely<br/> 24 affect the interests of the electric utility, <del>and</del> <u>of assignees</u><br/> 25 <u>of the wildfire recovery property, and of bondholders.</u> The<br/> 26 prohibited actions shall be the following:</p> | <p>Clarification based on the suggestion of the AG.</p>                                                                                                                                                                                                                                                                                |

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                      |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>§B-3(b)(1)<br/>(prohibited State actions)</p>  | <p>1 (1) Alter the provisions of this chapter, which authorize<br/> 2 the commission to create an irrevocable contract right<br/> 3 or cho<del>ice</del> in action by the issuance of a financing<br/> 4 order, to create wildfire recovery property, and make<br/> 5 the wildfire recovery charges imposed by a financing<br/> 6 order irrevocable, binding, nonbypassable charges for<br/> 7 all existing and future consumers;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Typographical error.</p>                                                                                                                                                                                          |
| <p>§B-3(h)<br/>(commission financial advisor)</p> | <p>6 (h) <u>The commission, in its discretion, may engage the</u><br/> 7 <u>services of a financial adviser for the purpose of assisting the</u><br/> 8 <u>commission in its consideration of an application for a</u><br/> 9 <u>financing order and a subsequent issuance of bonds pursuant to a</u><br/> 10 <u>financing order.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Based on the suggestion of the AG, we added a provision allowing the commission, in its discretion, to engage a financial advisor.</p>                                                                            |
| <p>Sections 5–8<br/>(various)</p>                 | <p>8 <u>SECTION 5. Notwithstanding the provisions of section 39A-</u><br/> 9 <u>191, Hawaii Revised Statutes, and the provisions of Act 182,</u><br/> 10 <u>Session Laws of Hawaii 2022, as amended by Act 262, Session Laws</u><br/> 11 <u>of Hawaii 2023, the legislature authorizes the issuance of</u><br/> 12 <u>special purpose revenue bonds for costs that require an</u><br/> 13 <u>allocation of the annual state ceiling under section 39B-2,</u><br/> 14 <u>Hawaii Revised Statutes, for the period July 1, 2024, through</u><br/> 15 <u>December 31, 2028. Notwithstanding Section 39A-195 of Hawaii</u><br/> 16 <u>Revised Statutes, a project agreement entered into in connection</u><br/> 17 <u>with the issuance of special purpose revenue bonds to finance</u><br/> 18 <u>costs may include a project agreement with an affiliate of an</u><br/> 19 <u>electric or gas utility and may contain provisions limiting the</u><br/> 20 <u>obligation to pay, and the security for the payment of, debt</u><br/> 21 <u>service and related deposits and costs in respect of such bonds</u><br/> 22 <u>or loans funded by such bonds to recovery charges and recovery</u><br/> 23 <u>property.</u><br/> 24 <u>SECTION 6. The legislature authorizes the allocation of the</u><br/> 25 <u>annual state ceiling under section 39B-2, Hawaii Revised</u><br/> 26 <u>Statutes, to the issuance of bonds issued pursuant to section 5</u><br/> 1 <u>of this Act that require such allocation in order for interest</u><br/> 2 <u>on the bonds to be tax-exempt for federal income tax purposes.</u><br/> 3 <u>SECTION 7. This Act does not affect rights and duties that</u><br/> 4 <u>matured, penalties that were incurred, and proceedings that were</u><br/> 5 <u>begun before its effective date.</u></p> | <p>Based on the suggestion of the AG, we added these sections:</p> <p>Section 5 and 6 relate to the potential use of a state conduit issuer for the securitized bonds.</p> <p>Section 7 addresses retroactivity.</p> |



# HAWAII REGIONAL COUNCIL OF CARPENTERS

February 11, 2025

TO: The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice Chair  
and Members of the Senate Committee on Commerce & Consumer Protection

The Honorable Glenn Wakai, Chair  
The Honorable Stanley Chang, Vice Chair  
and Members of the Senate Committee on Energy & Intergovernmental Affairs

FROM: Mitchell Tynanes  
Hawaii Regional Council of Carpenters

RE: **Strong Opposition for SB1201 – Relating to Wildfires**

Aloha Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

On behalf of the Hawai'i Regional Council of Carpenters (HRCC), I submit this testimony in **strong opposition of SB1201**, which seeks to establish the Wildlife Recovery Fund and allows securitization for electric utilities, for the following reasons:

**This bill will increase the cost of energy in Hawai'i and worsens our affordability crisis.** This bill from HECO raises electricity costs for Hawai'i's working families and by requesting the legislature to mandate non-bypassable rate increases, compounding Hawai'i's affordability crisis and pricing out local families from living in the islands. Energy costs disproportionately impact low-earners and individuals below the poverty line, hitting Hawai'i's most vulnerable—this month, DBEDT has found that individuals who live in Hawai'i who live below the poverty levels pay up to 24% of their income to electricity costs. Further, **this bill reverses affordability progress made from historic housing investments and the legislature's 2024 tax relief package by adding back these costs** (\$1 billion fund from ratepayers that protects the company in the case of a major event).

**A \$1 billion publicly-funded slush fund for utility is a bad deal for the public.** In exchange for a \$5 million contribution for admin fees, HECO is provided with a \$1 billion fund from ratepayers that protects the company in the case of a major event. In addition, HECO received liability

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immunity, capped liability at \$200 million in losses due to utility negligence and mismanagement. This bill provides no further benefits to ratepayers (no ownership, no energy cost decreases, no share of profit). **HECO's entire net worth is approximately \$1.5 billion, yet ratepayers are expected to provide \$1 billion to subsidize their operations.**

**This bill's tort reform is in favor of HECO but not the victims of the Lahaina wildfire nor Hawai'i residents.** The bill seeks a ratepayer increase by pre-authorizing rate increases to cover the creation of the \$1 billion slush-fund for the utility, bypassing the PUC's mandate and authority. HECO is capable of pursuing rate-increases in the PUC, but rather than go through the existing legal process with the requisite fact-finding and stakeholder input, the company would rather pass the buck to the legislature. **What are HECO's other financing opportunities from equity and debt? These options have not been presented to the public.**

**The State of Hawai'i has already bailed HECO out with settlement, so why is HECO asking for more?** HECO is already receiving an unprecedented level of support with the State's \$800 million contribution to the global settlement. **Why should Hawai'i ratepayers have to contribute further for the utility company?**

**There is a lack of accountability and cost burdens from HECO.** Despite the role HECO played in starting the Lahaina wildfires, there has been little accountability taken at the company. HECO's executives and their board are some of the highest compensated in the entire State of Hawai'i and received pay increases which were approved in May 2024...in the wake of the 2023 Maui wildfires. If Scott Seu's total compensation (\$5,386,250, Year 2023) and Shelee Kimura's total compensation (\$2,077,532, Year 2023) alone were restricted to \$100,000 each, this would cover the estimated annual bill increases for securitization for 151,328 customers alone—it seems very likely that HECO could raise capital on their own through belt-tightening.

**Time and again, HECO has prioritized profits over service to Hawai'i and squandered past opportunities to mitigate disasters.** Rather than making necessary investments to ensure the people of Hawai'i receive affordable, reliable energy, HECO has worked to enrich its executives and shareholders. HECO's parent, instead of re-investing into energy infrastructure, paid over one hundred million dollars each year leading up to the wildfires in 2023 in stock buybacks and dividend payments to shareholders. **Hawai'i's people deserve to recoup this value from the company and its owners—not the other way around.**

For the reasons mentioned in this testimony, we are in **strong opposition of SB1201** and ask that the committee **defer this bill indefinitely**. Mahalo for your time and consideration.

Mitchell Tynanes  
Hawai'i Regional Council of Carpenters



## TESTIMONY OF MICHAEL ONOFRIETTI

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### COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

### COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair

Tuesday, February 11, 2025  
9:30 a.m.

### **SB 1201**

Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee on Commerce and Consumer Protection, and Chair Wakai, Vice Chair Chang, and members of the Committee on Energy and Intergovernmental Affairs, my name is Michael Onofrietti, ACAS, MAAA, CPCU, Senior Vice President, Chief Actuary & Chief Risk Officer for Island Insurance, Board Chair and Chairman of the Auto Policy Committee for Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit association of property and casualty insurance companies licensed to do business in Hawaii. Members companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** two sections in this bill as follows:

Section A-6 provides that the Executive Director shall adopt rules pursuant to chapter 91 to create a process for the submission, apportionment, and payment of claims subject to the aggregate liability limit of the fund. The details of how this is done and who is entitled to what part of the monies in the fund is not in the bill. We have concerns that the rule-making process will be slow and cumbersome, especially given all the details and specifics of the program that the executive director will have to define, without much guidance from the Legislature. Specifically, we have concerns about apportionment. What percentage of funds would insurers be eligible for? Would that change for every catastrophic fire? Would insurers be eligible for anything? Could we be awarded nothing?

Is the apportionment to all claimants to be presented at the same time? If the range of potential recovery is zero to some undefined portion of the fund, there is no incentive for insurers to agree to this provision.

Section A-8(c) mandates the court to not approve any settlement or judgment that could cause the aggregate liability of contributors to exceed the aggregate liability limit. This means that an insurer's right to recover in subrogation is limited *even if they choose not to participate in the fund*.

These two sections of the bill potentially limit an insurer's subrogation rights and recovery. This will likely not be helpful in stabilizing the property insurance market in Hawaii. We ask that Section A-6 be amended to include the detail of the process for claims and that Section A-8(c) be deleted from the bill.

Thank you for the opportunity to testify.



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION & ENERGY AND  
INTERGOVERNMENTAL AFFAIRS

Tuesday, February 11, 2025 — 9:30 a.m.

**Ulupono Initiative supports SB 1201, Relating to Wildfires.**

Dear Chair Keohokalole, Chair Wakai, and Members of the Committees:

My name is Mariah Yoshizu, and I am the Government Affairs Associate at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy, clean transportation choices, and better management of freshwater resources.

**Ulupono supports SB 1201**, which establishes the Wildfire Recovery Fund (Fund) and allows securitization for electric utilities. Furthermore, Ulupono submits the following comments with recommendations on how to improve the bill's effectiveness.

**Key Items for Inclusion in SB 1201:**

1. Proactive wildfire mitigation and management best practices should be continuously monitored and implemented by utilities. Utilities should remain in constant consultation with Federal and State Agencies, including but not limited to, the State's Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), the United States Forest Service, and the United States Department of Agriculture, Hawaiian Homelands, the Bishop Estate, and other State of Hawai'i and County agencies to adapt with prevention practices as the threat of wildfires increases.
2. Utilities should be further incentivized to stay current on accepted standards of prevention and mitigation and are appropriate for inclusion in performance-based rate regulation (PBR). To the extent that the Public Utilities Commission (PUC) needs authorization or direction to implement Performance Incentive Mechanisms (PIMs) that lead to inclusion within the PBR framework that accomplish such prevention strategy, this legislation should explicitly delegate that authority to the PUC with an understanding that prevention is key.
3. The Fund should be limited to payment for and actual damage to real and personal property that are directly caused by wildfires. The legislation should also contemplate whether the Fund should cover, in a capped amount similar to other injury funds, bodily injury and loss of life as a way to both efficiently manage injury

*Investing in a Sustainable Hawai'i*

claims outside of the courts while also providing some level of financial certainty to a utility or other defined Contributor. This fund should not include payment for punitive damages, non-economic damages unless the Fund includes payment for bodily injury and loss of life, emotional damages, or other damages which may be speculative or subjective in valuation.

4. This bill should require utilities to update their wildfire mitigation plans through filing at the PUC at least every three (3) years unless a duration of more frequent updates is ordered by the PUC. An annual filing and demonstration of compliance could also be a way for a utility to obtain a rebuttable presumption as to prudence.
5. The Fund should utilize securitized debt funding guaranteed by non-bypassable charges on monthly bills. The legislation should either establish the percentage contribution assigned to each class of customer (residential, commercial, and industrial) or instruct the PUC or a Master appointed by the Fund to hold an administrative proceeding to establish the allocation of contribution by customer class.
6. The Fund legislation should address the interests to include the protection of the citizens of the State through fair and equitable compensation for actual damages caused by wildfires, preserving the natural resources located in the State, protect both real property and personal property, as well as preserve financial integrity of the electric utilities of the State.
7. Upon ratification, it should be required that a Request for Proposals (RFP) for qualified third-party administrators with previous experience in management of a catastrophe fund shall be issued and the Governor shall choose the most qualified entity to contract with to administer the Fund.
8. The Fund should also explore other products or mechanisms, including the purchase of reinsurance from private entities, as a means of mitigating such risk.

The establishment of the Hawai'i Wildfire Recovery Fund has the potential to help provide much-needed support and relief to those affected by wildfires in our state. By offering a reliable source of compensation, the Fund will enhance the resilience of our communities, enabling quicker recovery and rebuilding efforts, and minimizing the long-term socio-economic impacts of wildfires.

Ulupono applauds the Legislature's efforts to utilize unique methods to finance much-needed investments that will mitigate customer impacts to the extent possible.

Thank you for the opportunity to testify.

Respectfully,

Mariah Yoshizu  
Government Affairs Associate

**Clearway Energy Group**  
100 California St, Suite 650  
San Francisco, CA 94111



February 6, 2025

Via Electronic Submittal

Committee on Commerce and Consumer Protection  
Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

Commerce on Energy and Intergovernmental Affairs  
Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair

Tuesday, February 11, 2025, 9:30 a.m.  
Conference Room 229 & Videoconference

**RE: SB 1201 – Relating to Wildfires - Support the Intent**

Aloha Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and members of the Committees,

Clearway Energy Group (“Clearway”) supports the intent of SB 1201, which establishes a recovery fund for future wildfire-related claims. Clearway is one of the largest suppliers of renewable energy to Hawaiian Electric and its customers. Our projects provide clean, reliable power to Hawaiian Electric’s customers at a fixed price and at a lower cost than electricity from fossil fuel sources.

In supporting the intent of SB 1201, Clearway wishes to underscore the importance of a financially stable utility in enabling continued construction of affordable, clean energy resources to meet Hawaii’s electricity needs. A recent S&P Global Ratings report on Hawaiian Electric Industries Inc. and its subsidiaries confirmed a credit rating of B- (six notches below investment grade), with a negative outlook driven by litigation risk.<sup>1</sup> When Clearway and other independent power producers seek financing for our clean

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<sup>1</sup> S&P Global Ratings, RatingsDirect: “Hawaiian Electric Industries Inc. And Subsidiaries Ratings Affirmed, Off Credit Watch; Outlook Negative,” November 22, 2024.

energy investments in Hawaii, lenders rely on these credit ratings and reports to determine whether, and at what cost, they will invest in a project contracted with Hawaiian Electric. In the current environment, Clearway has determined that it is currently not possible to secure financing at a reasonable cost for projects relying on revenue from Hawaiian Electric.

In addition to SB 1201, Clearway also supports SB 1501, which allows independent power producers to enter into a step-in agreement with the State, giving lenders near-term assurance that payments for delivered energy will continue even if the utility were to become subject to a bankruptcy proceeding. Both proposals are needed to support continued financing of clean energy projects. The step-in agreement is a temporary mechanism to allow project financing to continue in the near term while Hawaiian Electric works back toward an investment-grade credit rating, whereas SB 1201 is important as a mechanism to support Hawaiian Electric's long-term credit recovery.

Hawai'i has an urgent need for new electric generation and storage resources to stabilize the grid and keep the State on track toward its clean energy goals. We encourage the Legislature to adopt measures that create a constructive path forward for Hawaiian Electric.

Thank you for the opportunity to testify on this matter.

Nicola Park  
Director, Hawaii  
Clearway Energy Group



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

**THIRTY-THIRD LEGISLATURE, 2025,**

**Committee on Commerce and Consumer Protection and Energy and Intergovernmental Affairs**

**HEARING DATE:** Tuesday, February 11, 2025

**TIME:** 9:30 a.m.

**PLACE:** Committee Room 229

**RE:** Senate Bill 1201 Relating to Wildfires- **IN STRONG SUPPORT**

Aloha Honorable Chair Lowen, Vice-Chair Perruso, and Committee Members;

The International Brotherhood of Electrical Workers Local 1260 (IBEW1260) would like to offer the following testimony in **STRONG SUPPORT** of Senate Bill 1201 establishing the Wildfire Recovery Fund which provides efficient compensation for property damage resulting from a future catastrophic wildfire where a regulated utility may have contributed to its cause, and provides mechanisms to protect the financial integrity of the regulated utility involved.

IBEW1260, is comprised of approximately 3,000 members throughout Hawaii and Guam and consists of a diverse and highly-skilled workforce that supports the electric utility infrastructure across our state as well as government service contracts and broadcasting. It's our duty and priority to serve and to protect the well-being of our members, but beyond that, it is incumbent upon all of us to serve and protect the well-being of our island home.

Recent local and national events have magnified the tremendous impact catastrophic wildfires can have on a community. Additionally, without pro-active policies such as SB1201, regulated electric utilities who may be found to have contributed to such future catastrophic wildfire events can face insurmountable financial hardship. Such challenges not only impact the utility themselves, but more importantly, the communities they serve.

Stable, reliable, and resilient energy is an extremely critical resource to our community's well-being. Likewise, a healthy and viable electric utility is critical to the stable supply of this invaluable resource. SB1201 is a proactive approach to mitigate potential impacts future catastrophic wildfires may have on a regulated electric utility. This measure also provides an expedited process by which those impacted, can seek fair and efficient compensation for property damage due to a catastrophic wildfire.

The health and viability of Hawaii's electric utilities is critical to IBEW1260 and the many thousands of local members throughout the state who work very hard to ensure that Hawaii's electrical infrastructure is the best that it can be. Without tools like these to minimize liability and increase the capacity to obtain financing at lower interest rates, the electric utility and rate payers will likely pay higher rates than those proposed in this bill.

For the reasons as stated, IBEW1260 **STRONGLY SUPPORTS** SB1201 as a positive, pro-active and forward-thinking step that we believe will prove extremely beneficial to the state and to the rate payers for years to come.

Mahalo for this opportunity to testify on this measure.



201 Spear St, Ste 1000  
San Francisco, CA 94105  
P: 832-585-1238  
pluspower.com

**TESTIMONY BEFORE THE**  
**SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**  
**AND**  
**SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201 - Relating to Wildfires**  
**In Support**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Plus Power

Aloha Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

On behalf of Plus Power, I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of another catastrophic wildfire that could be caused by a contributor utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While we hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic



wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

The Plus Power team is accelerating the deployment of transmission-connected battery energy storage throughout the United States. Plus Power develops, owns, and operates standalone battery energy storage systems that provide capacity, energy, and ancillary services, enabling the rapid integration of renewable generation resources. We now have 7 operating projects, with 1 in Hawaii, 4 in Texas, 2 in Arizona, and 2 more coming online this year in Maine and Massachusetts, totaling over 4000 MWh. Behind those, we have 10 GW of projects in 28 U.S. states, including Hawaii, and Canada in development. Plus Power wants to continue to help Hawaii meet its energy and reliability needs, and this legislation helps unlock the financing required.

We support SB 1201 and request its passage. Thank you for the opportunity to share support.

Brian Duncan

Senior Vice President, Origination & Commercial

Plus Power

Hawai'i State Legislature  
Senate Committee on Commerce and Consumer Protection  
Senate Committee on Energy and Intergovernmental Affairs

February 9, 2025

*Filed via electronic testimony submission system*

**RE: SB 1201, Wildfire Recovery Fund; Securitization - NAMIC's Testimony in Opposition**

Thank you for providing the National Association of Mutual Insurance Companies (NAMIC) an opportunity to submit written testimony to your committee for the February 11, 2025, public hearing. Unfortunately, I will not be able to attend the public hearing, because of a previously scheduled professional obligation.

The National Association of Mutual Insurance Companies consists of nearly 1,500 member companies, including seven of the top 10 property/casualty insurers in the United States. The association supports local and regional mutual insurance companies on main streets across America as well as many of the country's largest national insurers. NAMIC member companies write approximately \$391 billion in annual premiums and represent 68 percent of homeowners, 56 percent of automobile, and 31 percent of the business insurance.

NAMIC appreciates the scope of the legal, political and public policy challenges that this legislature, the business community, the electrical utilities industry, and insurance industry face in trying to deal with wildlife liability exposure. The extensive legislative debate last session is proof of the difficulty of the project. However, unlike last session where the proposed legislation was fairly transparent on key provisions that directly impact the legal rights of interested stakeholders, this session's bills omit necessary information for insurers and others to consider when evaluating the proposed legislation. Consequently, we respectfully oppose the legislation as drafted.

NAMIC's opposes the proposed legislation relate to Section 1 of the bill on the Wildfire Recovery Fund and its implications upon insurance companies and their consumers. Specifically, we have the following concerns:

- 1) Section A-6 of SB 1201 lacks the necessary details for insurers and their policyholders to understand how the Fund would operate and make settlement decisions. The lack of transparency raises due process protect concerns.**

This section of the bill provides that the Executive Director of the Wildfire Recovery Fund shall adopt rules pursuant to chapter 91 to create a process for the submission, apportionment, and payment of claims subject to the aggregate liability limit of the fund.

However, there are neither any stated details nor specific guidelines enumerated in the bill as to the methodology or process for how this will be accomplished. Moreover, the provision fails to state how the settlement money will be allocated among parties, which is a crucial consideration for interested stakeholders. This lack of information on a crucial point makes it difficult, if not impossible, for insurers to make an informed decision about critical issues like whether their due process rights are being compromised.

The bill grants the Executive Director with a great deal of broad authority and discretion without providing stakeholders with any specifics to evaluate whether the Executive Director is in compliance with the letter and spirit of the law. The proposal takes all of the power away from the State Legislature and the Courts and places it in the Executive Director. It is the Executive Director alone who will be defining, creating and implementing policies.

NAMIC also has specific concerns about the rulemaking process: (1) will it provide for administrative due process to interested stakeholders; (2) what will be the timing and process of rulemaking; (3) how will settlement determinations be made; (4) will stakeholders be able to challenge the determinations; (5) will there be appeals process; and (6) will the Executive Director get to set guidelines about how she is to execute the duties of office? Additionally, we are concerned that the rulemaking process will not be timely, will be cumbersome, and lack necessary transparency for stakeholders.

- 2) **Section A-6 of the proposed legislation creates concerns about apportionment of funds for settlement of stakeholder claims** – Specifically, NAMIC is concerned about how apportionments will be calculated and administered. What percentage of funds would insurers be eligible to recover for their subrogation claims? Would it be a uniform amount applied to all claims and all catastrophic events? The way the bill is written insurers' legal rights could be compromised. The bill offers no assurance that insurer will be entitled to recover damages from the at fault party. Further, the bill is unclear as to whether the apportionment to all claimants will be evaluated and funds distributed at the same time or in some sort of prioritized process? The ambiguity and lack of specificity in the bill on key settlement decision-making metrics makes it impossible for insurers to determine if the bill reasonably addresses the needs of insurers and their policyholders.
- 3) **Section A-8(c) is written in a way that arguably interferes with the legal claims of parties who have exercised their legal right to not participate in the proposed Fund and who want to utilize the current judicial system to secure recovery of their damages** – The bill expressly mandates that the court shall not approve any settlement or judgment that could cause the aggregate liability of contributors to the Fund to exceed the Fund's aggregate liability limit. In effect, this provision adversely impacts the legal rights of those financially injured parties who have decided not to participate in the recovery mechanism of the Fund by creating an artificial cap on their damages. This provision of the bill could directly limit or entirely negate an insurer's legal right to subrogate against/recover from the at-fault party the damages it paid to its policyholder pursuant to its insuring agreement.

For the aforementioned reasons, NAMIC respectfully requests that this committee **hold SB 1201**. If the Committee believes the bill should move forward for further discussion, NAMIC ask that it (1) Amend Section A-6 to provide necessary details for informed decision-making and consumer protection transparency as to the proposed claims settlement and damages apportionment process; and (2) Delete Section A-8(c) since it would be an unconstitutional taking of the property rights (access to full compensation of damages) of non-Fund litigants who have exercised their legal right not to participate in the Fund.

Thank you for your time and consideration. Please feel free to contact me at 303.907.0587 or at [crataj@namic.org](mailto:crataj@namic.org), if you would like to discuss NAMIC's written testimony.

Respectfully,

A handwritten signature in black ink, appearing to read "Christian John Rataj". The signature is written in a cursive style with a large initial "C".

Christian John Rataj, Esq.  
NAMIC Senior Regional Vice President  
State Government Affairs, Western Region

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**Senate Bill 1201 – Relating to Wildfires**

**TESTIMONY**

Hawai'i State Senate

Senate Committee on Commerce and Commerce and Consumer Protection and  
Senate Committee on Energy & Intergovernmental Affairs

Tuesday, February 11, 2025

9:30 a.m.

Aloha Chair Keohokalole, Chair Wakai, and Members of the Joint Committees:

Mahalo for the opportunity to provide testimony in **support of SB 1201, relating to Wildfires**. AES is Hawai'i's largest renewable energy provider. We share the state's vision for a 100% renewable energy future to enhance energy resilience, decarbonization, and promote energy equity. We are working to accelerate and support Hawai'i's transition toward a carbon-free energy future with renewable projects across the Hawaiian Islands totaling over 405 MW of solar, solar plus storage, and wind resources in operation or under contract, with 102.5 MW of Stage 1 projects, 37 MW of Stage 2 projects, and 126 MW of Stage 3 projects.

The purpose of SB 1201 is to establish a wildfire recovery fund to provide compensation for property damage resulting from future catastrophic wildfires in the State. Following the Maui Wildfires that resulted in tragic losses of life, personal injuries and property damage, AES Hawai'i fully appreciates and supports the **intent** of this measure, as stated, as well as the proposal's intent to address the future stability of the investor and electric utility. Hawai'i needs a stable utility to meet the ambitious renewable energy goals embedded in our state energy policy.

Mahalo for your consideration.



**Sandra Larsen**

President

AES Hawai'i



**TESTIMONY IN SUPPORT OF SB 1201**

**BEFORE THE SENATE COMMITTEE ON  
COMMERCE & CONSUMER PROTECTION AND  
ENERGY & INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

Tuesday, February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Par Hawaii

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Committee Members,

Thank you for the opportunity to testify in support of SB 1201 Relating to Wildfires. My name is Eric Wright, and I serve as President of Par Hawaii. Par Hawaii is the largest local supplier of fuels, including various grades of utility fuels, as well as diesel, jet fuel, gasoline and propane.

SB 1201 is a proactive approach to dealing with economic losses from a wildfire. The process that SB 1201 would put in place would help ensure that Hawaiian Electric can attract investors in the capital markets. It would address the uncertainty associated with wildfire risks, an issue that is well documented by rating agencies such as Fitch<sup>1</sup> and Moody's<sup>2</sup>. Other states have taken similar measures.

One of the underappreciated benefits of this legislation is the positive impact it has on Hawaii's local companies. In the case of Par Hawaii, we are a fuel supplier to Hawaiian Electric. We depend on Hawaiian Electric's ability to access capital and make timely payments on its obligations.

Similarly, there are several independent power producers<sup>3</sup> who are critical to our daily lives because they produce and sell power to Hawaiian Electric. Additionally, there are potentially hundreds of local contractors and vendors who do business with Hawaiian Electric. These companies all depend on timely and certain payment from Hawaiian Electric. In turn, these companies are able to cover the cost of their business, including salaries and wages for their employees, as well as payments to local contractors and vendors.

The benefits of HB 982 go well beyond Hawaiian Electric by providing assurance to many local companies, and their employees, who do business with Hawaiian Electric.

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<sup>1</sup> <https://www.fitchratings.com/research/corporate-finance/fitch-affirms-hawaiian-electric-industries-hawaiian-electric-co-at-b-removes-negative-watch-25-10-2024>

<sup>2</sup> <https://events.moodys.com/2024-miu22138-investor-breakfast-briefing/liability-reform-will-be-key-to-support-credit-quality-of-utilities-in-wildfire-prone-states>

<sup>3</sup> <https://www.hawaiianelectric.com/about-us/power-facts>

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Donna Mun

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Donna Mun and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy. California continues to grapple with wildfires today, and we should be prepared for the future. It is essential for us to work together for a more long-term solution that will benefit the people of Hawaii.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Joanna Markle

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Joanna Markle and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.



**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Mark Wong

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Mark Wong and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Joanne Williamson

Honorable Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Joanne Williamson, and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 proposes a future solution **when** a catastrophic wildfire **disregulates** a **regulated utility's infrastructure**. Extreme weather, among other factors, make this a probable reality. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that pays claims faster after a catastrophic wildfire. It provides a viable option to people without the expense and uncertainty of going to court. SB 1201 is a proactive approach to address the economic threat of catastrophic wildfires.

In addition, this bill protects the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of Hawaii's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Thank you.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Faith Duenas

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Faith Duenas and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

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I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Leslie Malasa

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Leslie Malasa and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by William Chang

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is William Chang and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

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I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Kristen Okinaka

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Kristen Okinaka and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawai'i needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawai'i families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawai'i's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Kelsey Ito

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Kelsey Ito and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by [Annabel Arase]

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Annabel Arase and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.



**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Judy Hirashima

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Judy Hirashima and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Keith Kobuke

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Keith Kobuke and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 30 years. Having worked for the company as a(n) engineer, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Leslie Kwock

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Leslie Kwock and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of any future catastrophic wildfires that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawai'i needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Mau'i ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawai'i families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawai'i's economy with keeping local companies with local talent, including providing opportunities for any future generations, and being able to continue to operate and exist in Hawai'i.

I wholeheartedly support SB 1201 and kindly request your support for its passage. Thank you for your time and the opportunity to share my support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Ken Fong

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Ken Fong and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 28 years. Having worked for the company as an engineer in charge of the Transmission and Distribution Planning Department. I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Thurston Wong

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Thurston Wong and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Dawn Wong

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Dawn Wong and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
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&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by FABIO BYLAARDT

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is FABIO BYLAARDT and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Lyanne Hiromoto

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Lyanne Hiromoto and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 32 years. Having worked for the company, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.



**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Darren Ishimura

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

I am testifying in **support** of SB 1201 to establish a recovery fund that can provide fair compensation to individuals and businesses after a future catastrophic wildfire without the expense and uncertainty of protracted litigation. This fund is a much-needed solution that serves the public interest.

Given the increasing occurrence of extreme weather events, the State of Hawai'i needs to be proactive in addressing the economic threat of devastating conflagrations. SB 1201 does this by (1) providing potential victims with an efficient option for recovering property damage and (2) protecting the creditworthiness of regulated electric utilities which lowers the cost of capital for investments to the benefit of customers.

The economic viability and security of our State requires financially healthy electric utilities. By reducing the financial uncertainty created by the liability risk from future catastrophic wildfires, SB 1201 would help Hawaiian Electric – one of the State's largest employers deeply rooted in its communities – make the necessary investments to reliably and safely serve its customers and ensure the State's prosperity.

Please pass SB 1201. Thank you for the opportunity to share my support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Teri Theuriet

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Teri Theuriet, and I was born and raised in Kaneohe, and am now living in Kuliouou. I'm testifying in **full support** of SB 1201, Relating to Wildfires. SB 1201 is proposing a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states vulnerable to wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court. A recovery fund could also help prevent millions or even billions of dollars from being paid to out-of-state attorneys.

While I hope nothing like the 2023 West Maui fires ever occurs again, this bill is being proposed to ensure availability of resources for local families should the unthinkable occur. It would create a future wildfire recovery fund that could provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and urge you to do so as well. Mahalo for the opportunity to express my support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Tayne Sekimura

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Tayne Sekimura and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 32 years. Having worked for the company as its Chief Financial Officer, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**SB-1201**

Submitted on: 2/9/2025 8:00:01 AM

Testimony for CPN on 2/11/2025 9:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| scott cramer        | Individual          | Support                   | Written Testimony Only |

Comments:

**Testimony before the SENATE COMMITTEES ON**

**COMMERCE AND CONSUMER PROTECTION**

**&**

**ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Scott Cramer

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Scott Cramer and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be

caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by: Sharon Suzuki

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Sharon Suzuki, and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 28 years. Having worked for the company in various positions, most recently as president of Maui County and Hawaii Island Utilities, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Robert Young

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Robert Young and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 40 years. I was an electrical engineer and proud to have been a part of a local company.

The company has provided career opportunities for our families here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Jamie Lee

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Jamie Lee and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for almost 30 years. Having worked for the company as an accountant, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.



Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Lorie Nagata

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Lorie Nagata and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 36 years. Having worked for the company in the finance and accounting areas, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii. In addition, as its former Treasurer I understand and appreciate the value of a credit worthy electric utility and the impact its credit has on its access to funds and associated costs.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Chad Asato

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Chad Asato and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

Testimony before the SENATE COMMITTEE ON

**COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**Sb 1201**

**Relating to Wildfires**

Tuesday, February 4, 2025

9:00 AM

State Capitol, Conference Room 325

Submitted by Warren Hall

Dear Chairs Keohokalole and Wakai, Lowen, Vice Chairs Fukunaga and Chang, and Members of the Committee,

My name is Warren Hall and I am testifying in support of SB 1201, Relating to Wildfires.

SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund. SB 1201 would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, SB 1201 would help protect the creditworthiness of the participating regulated utilities that contribute to the fund. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires. The economic viability of our utilities is important to the economic viability of our state. .

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Lorrie Iwanaga

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Lorrie Iwanaga and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 32 years. Having worked for the company as an executive assistant, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Patsy Nanbu

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Patsy Nanbu and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric. Having worked for the company for over 35 years, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Lyle J. Matsunaga

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Lyle J. Matsunaga and I am testifying in **support** of SB 1201, Relating to Wildfires.

I live in Wailuku on Maui and am a retired employee of Maui Electric and Hawaiian Electric and was employed there for over 19 years. Having worked for the company in accounting and finance positions, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**SB-1201**

Submitted on: 2/9/2025 8:42:10 AM

Testimony for CPN on 2/11/2025 9:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Jeannine Villanueva | Individual          | Support                   | Written Testimony Only |

Comments:

Aloha Chairs Keohokalole and Wakai and Members of the respective Committees,

I SUPPORT this measure regarding securitization for electric utilities for potential future wildfire disasters.

Securitization has helped industries such as the banking industry manage risk due to natural disasters including wildfires. SB1201 proposes collecting \$48/year from residential customers\*. Yes, it increases customers' bills, but this would help the state and utilities such as HECO and Kauai Island Utility Cooperative proactively manage risk in the same fashion as how securitization helped the banking industry.

Past testimonies have opined that securitization would restore HECO's credit rating. This would in turn benefit customers and ultimately the Hawaii economy. It is therefore not a selfish request that would only benefit HECO.

HECO and its parent company HEI have taken concrete steps in their support of mitigating risk. HECO issued their wildfire mitigation plan and its parent company has also sold major assets to help pay for the Maui wildfire fund. This demonstrates their commitment and has already set the companies back on a financial basis.

The state House committee hearing on measure HB982 which convened on February 6, 2025 supported their companion bill relating to wildfires. I'm sure you've studied Representative Lowen's committee report on the companion bill hearing, which was overall support. Testimonies submitted on HB982 provided additional suggestions worthy of consideration by this Senate hearing for SB1201.

\*Question for the committee to consider: What would Commercial customers be charged?



**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION &  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

Tuesday, February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

Submitted by Lori Yafuso

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Lori Yafuso and I am testifying in **support** of SB 1201, Relating to Wildfires.

I am a retired employee of Hawaiian Electric and was employed there for over 20 years. Having worked for the company as an IT Program Manager, I am proud to have been a part of the very few remaining local companies in the state that is led by local management, run by leadership from Hawaii.

The company has provided career opportunities for our families who grew up here in the islands; for some, it's a family legacy of generations. The company continues to provide our younger generation an opportunity to live and work in the islands, rather than having to move to the mainland.

I support SB 1201 because it proposes a solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. As other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources for our local families would be available if it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

Please pass SB 1201. Thank you for the opportunity to share support.

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201**

**Relating to Wildfires**

February 11, 2025

9:30 AM

State Capitol, Conference Room 229

Submitted by Mathew McNeff

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Mathew McNeff and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.

**LATE**



**Hawaii Cattlemen's Council, Inc.**

**COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

**COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair

**SB1201**

**RELATING TO WILDFIRES**

Tuesday, February 11, 2025, 9:30 AM  
Conference Room 229 & Videoconference

Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committee,

The Hawaii Cattlemen's Council **supports SB1201** which establishes the Wildfire Recovery Fund.

This bill prepares us for future catastrophic wildfire events caused by utility infrastructure. While we hope that we can prevent catastrophic wildfires, we must also be prepared for these events. Establishing a recovery fund will help claims to be distributed quickly after a wildfire.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director





**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
FEBRUARY 10, 2025  
SB 1201 RELATING TO WILDFIRES.**

Aloha, Chair Keohokalole and Chair Wakai, and members of the Senate Committee on Commerce and Consumer Protection and the Senate Committee on Energy & Intergovernmental Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We support the intent of SB 1201. This measure establishes the Wildfire Recovery Fund; and allows securitization for electric utilities.

Our state should be looking in to ways to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy. The devastating wildfire on Maui caused tragic loss of life, property destruction including residential and commercial, and significant economic hardship. We need to start finding viable solutions beyond mitigation and a tactical plan to include a recovery plan should there be another wildfire in Hawaii. While we fervently hope that such a disaster never recurs, it is imperative that we prepare for all eventualities as well as the urgent need for proactive measures and a plan for the future.

This bill is a step in the right direction to start the conversation of wildfire recovery to ensure future funds for potential victims; and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, we need to find ways to address the continuation of the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state.

Mahalo for this opportunity to testify.

February 11, 2025

Committee on Commerce & Consumer Protection  
Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

Committee on Energy and Intergovernmental Affairs  
Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair



*Working together for Kapolei*

**LATE**

Tuesday, February 11, 2025  
9:30 a.m. Conference Room #229 and via Videoconference

**RE: SB1201 – Relating to Wildfires**

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, members of the Committees,

My name is Kiran Polk, and I am the Executive Director & CEO of the Kapolei Chamber of Commerce. The Kapolei Chamber of Commerce is an advocate for businesses in the Kapolei region including Waipahu, Kapolei, 'Ewa Beach, Nānakūli, Wai'anae and Mākaha. The Chamber works on behalf of its members and the business community to improve the regional and State economic climate and help West O'ahu businesses thrive. We are a member-driven, member-supported organization representing the interests of all types of business: small, medium or large, for profit or non-profit businesses or sole proprietorship.

The Kapolei Chamber of Commerce **supports the intent of SB1201** which creates a future Hawaii wildfire recovery fund and provides securitization and protection devices for participating regulated utilities that contribute to the fund.

The devastation of the Maui wildfires has touched all of us and while we hope that nothing like that happens again anywhere in our State, we must be vigilant and be prepared in the case that it does. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient process for recovering property damage from a future catastrophic wildfire. The impact on the infrastructure is a reality that is very real. Having a funding mechanism that will help protect the creditworthiness of the state, counties, large landowners, and utilities that contribute to the fund is a solution we must seek now.

**There are portions of West O'ahu that are specifically vulnerable to devastating wildfire in a very similar manor that West Maui was impacted, and we continue to prepare our West O'ahu community including preparation, mitigation and the consideration of funding mechanisms like this measure provides.**

Thank you for this opportunity to provide testimony.

Respectfully,

Kiran Polk  
Executive Director & CEO



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 11, 2025

HEARING BEFORE THE  
SENATE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS  
SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

**TESTIMONY ON SB 1201**  
RELATING TO WILDFIRES

Conference Room 229 & Videoconference  
9:30 AM

Aloha Chairs Keohokalole and Wakai, Vice-Chairs Fukunaga and Chang, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau supports SB 1201**, which establishes the Wildfire Recovery Fund and allows securitization for electric utilities. Given the increasing risks posed by extreme weather events and drought conditions, proactive measures are necessary to mitigate the economic and environmental devastation of catastrophic wildfires.

Hawai'i's agricultural lands, forests, and rural communities are especially vulnerable to wildfires, with farmers and ranchers often suffering significant losses to infrastructure, livestock, crops, and irrigation systems. The impact of wildfires extends beyond direct property damage, disrupting food production, soil stability, and water resources, affecting the state's overall food security and economic stability.

Establishing a Wildfire Recovery Fund provides a structured and efficient way to compensate victims of future catastrophic wildfires without the prolonged expense and uncertainty of litigation. Having dedicated resources available will ensure that local families, farmers, and businesses can recover faster and rebuild in the aftermath of a disaster.

Additionally, this measure protects the financial stability of Hawai'i's electric utilities, which play a critical role in powering agricultural operations, irrigation systems, and food processing facilities. Ensuring the creditworthiness of regulated utilities that contribute to the fund is essential for maintaining reliable energy infrastructure and reducing economic uncertainty in the event of a wildfire disaster.

Thank you for the opportunity to testify on this important matter.

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION OF  
SB 1201**

Date: Tuesday, February 11, 2025

Time: 9:30 a.m.

**LATE**

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **OPPOSITION** of **SB 1201 Relating to Wildfires**. The measure seeks to establish the Hawaii Wildfire Recovery Fund (the “WRF”) to provide compensation for property damage resulting from catastrophic wildfires in the State.

As currently drafted, SB 1201 establishes the WRF and creates a process for future property damage claims arising from catastrophic wildfire (500 or more residential and commercial structures). The measure creates a process which victims of a future catastrophic wildfire will be required to submit their claims for property damages to the WRF executive director (the “ED”) for evaluation of the claim after which offers to settle the claim will be made. If the offer is accepted, then the victim will be prohibited from filing a claim against a participating public utility.

**Victims which reject an offer from the WRF will be permitted to pursue litigation, however, their aggregate claimants (all claimants who rejected offers) would be capped at the greater of:**

- i. 50% of the amount obligated to the fund at the time of the fire; or**
- ii. The average assessed commercial and residential properties in the county which the wildfire occurred.**

SB 1201 is intended to limit liability of contributing public utilities and cap the total amount of property damage that can be paid through both the administrative claims process and litigation by participating public utilities. HAJ is concerned that this measure penalizes victims who elect to litigate and seek full recovery for property damages should another catastrophic wildfire occur. The

WRF should serve as an option for victims to seek recovery and participation by victims in the WRF should not be mandated, especially with the current liability limitations in place.

**I. SB 1201 Limits Recovery for Future Wildfire Victims:**

HAJ has always held the position that liability limits on economic damages is bad public policy. In this instance, HAJ is concerned that the proposed measure will limit property damage claims against public utilities that contribute to the WRF for any disaster in the future where those very same fund contributors, through their negligence, caused a wildfire disaster and failed to ensure that the wildfire relief fund was adequately funded. As currently drafted the measure would undercut the rights of victims in all future disasters. This liability limitation could incentivize minimal contribution to the fund in order to receive liability limitation that will apply even to disasters that are caused by the same sort of negligence that led to the recent destruction of so many lives and livelihoods on Maui.

HAJ understands the business implications that this measure may have for fund contributors, however, we fail to see why those who have caused so much damage and destruction should be rewarded for their callousness with a grant of capping liability for the damage they caused, at the expense of their victims.

Limiting a victim's ability under this measure will remove any accountability for utility companies whose actions or omissions result in damage to people across the state. The current liability language sets a dangerous precedent of rewarding public utilities that contribute to catastrophic wildfires or disasters in the future. Further, HAJ is concerned that a public utility's liability will be subsidized by securitization through raising of customer rates.



## **II. Substantial ED Authority Without Clear Parameters:**

HAJ is concerned that SB 1201 gives the ED, an appointed official, too much power by giving them the sole authority to determine rules and make offers to settle on behalf of the WRF. Given the authority granted under this measure there should be an appointed panel based on the qualifications of the members (e.g., insurance rep, attorney, a DCCA rep, etc.), and a new panel should be appointed every time a “catastrophic wildfire” occurs (similar to the MICP proceedings). Further, rules on how applications will be evaluated and offers are determined should be a part of this legislation to provide direct guidelines to the ED or a panel. This will ensure that future victims will receive equitable offers from the ED and obtain the recovery they desperately need following a future catastrophic wildfire.

In addition, HAJ concerned that the measure penalizes a claimant who fails to meet a deadline to file a claim, which is determined by ED (i.e., the ED) and not clearly defined in this legislation. The lack of a specified timeframe to file a claim is deeply concerning and may adversely impact a victim’s rights to seek remedy from the WRF or after rejecting an offer from the ED. An appropriate deadline which reflects the intent to expedite claims while balancing the time needed for victim to heal and begin the recovery process should be made a part of this legislation.

## **III. Unclear Language Regarding Process for Damages Exceeding Obligated Amounts:**

The current language of the measure does not appear to specify parameters of the WRF should the amount of economic damages exceed the amount of funds obligated. HAJ has concerns with Section A-6(d) which indicates that funds from the WRF shall only be made to contributors if the amount available to the WRF is less than 50% of the aggregate liability

under Section A-8. It appears that Section A-6(d) should only apply when the WRF is not triggered as the obligated funds are clearly insufficient to account for the economic damages. However, the language of the measure does not clearly state that the WRF would not trigger and the liability limits do not apply under this circumstance. SB 1201 should be amended to reflect this intent and clarify that: 1) the WRF is not applicable victims of a catastrophic wildfires under Section A-6(d); 2) all proposed liability imitations on victims are not applicable if Section A-6(d) is utilized by the participating utilities.

Furthermore, the ED is not required to request supplemental payments from contributors when the damages exceed the obligated amounts to the WRF. In turn, leaving requests for supplemental payments to the WRF at the discretion of the ED doesn't promote utilization of the fund and is inconsistent with the intent of the measure to expedite victim's recovery. The ED should be required to request supplemental payments from the participating public utilities if the economic damages exceed the obligated amounts to the funds. In conjunction, if a request for supplemental payment is denied by a participating public utility, then mandatory participation in the WRF and recovery limitations for victims that reject offers from the ED should be waived. This encourages the WRF to be adequately funded for victims to seek quicker recovery.

#### **IV. Reduces Accountability to Adhere to Mitigation Plans:**

The measure imposes an imprudent standard for the Public Utilities Commission (the "PUC") when determining whether the conduct of a contributor caused the occurrence or contributed to the severity of a covered catastrophic wildfire. If the PUC finds that the public utility acted imprudent leading to the wildfire, then the PUC must order contributor to replenish

the WRF not more than amount that exceeds 20% of the contributor's transmission and distribution equity base rate (Section A-5(d)).

First, the measure imposes an unclear cap on reimbursement for imprudent public utilities by failing to define "distribution equity base rate." This is concerning for ensuring the proper replenishment and maintenance of adequate obligated funds for future applicants to the WRF. Further, it is curious as to why limitation on replenishment public utilities found to be imprudent is necessary. For example, if a public utility is found to be imprudent in adhering to a wildfire mitigation plan, the cap on reimbursement would still apply.

Most importantly, the limitation on recovery for victims that reject offers from the fund still applies if a public utility is found to be imprudent. HAJ believes that should it be determined that a public utility was imprudent in adhering to a wildfire mitigation plan, then the limitation on the aggregate claims for applicants who reject offers from the ED should not be applicable. This promotes accountability in adhering to mitigation plans designed to prevent future wildfires.

Further, subsection (b)(2) (page 13) should be clarified to indicate a "failure of a system" to prevent wildfires rather than an "imprudent system" should be considered when making a determination as to whether a contributor acted prudently. This will place emphasis on ensuring that systems implemented to prevent wildfires are upkept and proper protocols are adhered to by a contributor.

## **V. Evidence Limitations:**

Lastly, we are concerned with limitations on evidence that section A-12 imposes. Specifically, Section A-12 indicates that "evidence submitted for the purposes of proceedings

under sections A-4, A-6, and A-7 shall be subject to the limits on admissibility under rule 408, section 626-1.” This section is concerning as the WRF process under A-4, A-6, and A-7 could be utilized preclude evidence submitted to the ED from being discoverable and admissible as evidence during a civil proceeding. However, if this is not the intent of Section A-12, then an amendment should be made to clarify that findings submitted to the ED shall remain discoverable and admissible in a civil claim.

## **VI. Proposed Amendments:**

In accordance with the foregoing concerns, HAJ recommends the following amendments to provide additional clarity, ensure application of the WRF to property damages only, and ensure victim rights are preserved throughout the WRF process.

1. Page 6: Amend “Qualifying damages” to mean economic damages arising out of the loss of or damage to real or personal property from a covered catastrophic wildfire.
2. Pages 9-10: Amend (b)(1) ...which amounts [~~shall~~] may be recovered from its customers in nonbypassable rates not to exceed an increase of 10% of rates paid by customers prior to January 1, 2025;  
  
(c) ... with such interest recovered from [~~customers in rates.~~] shareholder dividends.
3. Page 11: Amend (e) to read “If economic damages arising out of property damage resulting from a covered catastrophic wildfire exceed the amounts in and obligated to the wildfire recovery fund, the executive director [may] shall propose supplemental contributions to the wildfire recovery fund by participating public utilities.
4. Page 11: Amend (f) ...a public utility may rejoin the wildfire recovery fund as a contributor on a prospective basis if it makes owed payments with interest to be paid by its shareholders.
5. Page 13: Amend (b)(2) ...an error by a contributor’s employee would not be a basis for a finding of imprudence, unless that error resulted from [~~an imprudent~~] the failure of a system, process, or program to prevent the error.

6. Page 14: Amend (c)...and the foreseeability of factors within and beyond the contributor's control that may have led...
7. Page 15: Amend (b)... A qualified claimant who fails to file a claim by [~~the deadline established by the executive director pursuant to rule~~] six years after a wildfire or two years after a qualified claimant receives payment, whichever is later, shall be ineligible to receive payment from the wildfire recovery fund and shall be barred from instituting or maintaining any qualifying action against a contributor, except that any other action under Chapter 663 may be brought in the normal course or, if related to a claim under this section, may be brought in the same course as a qualifying action, any other time constraints notwithstanding.
8. Page 17: Amend (a)...arising from a covered catastrophic wildfire[, ~~including economic and non-economic damages,~~]
9. Page 18: Amend (c)...The court shall adopt procedures to equitably apply the limit set forth in subsection (a) to all [~~civil actions~~] qualifying actions that are filed.
10. Page 18: Amend (e) The aggregate liability limit set forth in section (a) shall not apply until the initial contribution of each qualified contributor is satisfied in full.
11. Page 19: Remove §A-10, abolition of joint and several liability.
12. Page 20: Revise §A-12 Inadmissible evidence. Any findings made by or evidence submitted to the director for purposes of proceedings under sections A-4, A-6, and A-7 shall be subject to the limits on admissibility under rule 408, section 626-1[-], provided that any findings made by or evidence in the possession of a qualified contributor shall be discoverable and admissible evidence in any civil action arising from a covered catastrophic wildfire. Failure by a qualified contributor to independently preserve evidence shall require that the director make the same evidence, submitted for purposes of proceedings under sections A-4, A-6, and A-7 available to the parties in any civil action arising from a covered catastrophic wildfire.

In sum, SB 1201: 1) impairs in seeking recourse for damage to their property; 2) subsidizes public utility liability through by securitization through raising customer rates; 3) provides a substantial amount of ED authority without clarity to ensure victims are properly remedied; and 4) reduces a contributor's responsibility to safely design and maintain their operations.

We look forward to working with all involved stakeholders on this measure. Thank you very much for allowing me to testify in **OPPOSITION** of the current draft of SB 1201. Please feel free to contact me should you have any questions or desire additional information.

Testimony Before the Senate Committees on Commerce and Consumer  
Protection and Energy and Intergovernmental Affairs

By David Bissell  
President and Chief Executive Officer  
Kaua'i Island Utility Cooperative  
4463 Pahe'e Street, Suite 1, Lihu'e, Hawai'i, 96766-2000

Tuesday, February 11, 2025; 9:30 am  
Conference Room #229 & Videoconference

**Senate Bill No. 1201 – RELATING TO WILDFIRES**

To the Honorable Chairs Jarrett Keohokalole and Glenn Wakai, Vice Chairs Carol Fukunaga and Stanley Chang, and Members of the Committees:

Kaua'i Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 34,000 commercial and residential members.

**KIUC supports this measure and offers amendments.**

KIUC recognizes that it is in the best interest of the state to minimize negative impacts to electric utility ratepayers for wildfire risk mitigation, disaster relief, and litigation costs. Public utilities are very capital intensive, and maintaining access to low-cost financing is of utmost importance to utilities. Providing a vehicle for expedient processing of claims from consumers not covered by insurance, while preserving the financial viability of electric utilities by allowing them to obtain timely recovery of costs related to wildfires from the Hawai'i Public Utilities Commission (PUC), could substantially mitigate negative impacts from catastrophic events.

Allow us to share thoughts on the components of the bill:

Wildfire Recovery Fund

KIUC understands the intent of establishing this fund and would consider participating if it is established. We would suggest amending the definition of "Catastrophic wildfire" to include circumstances that might be more realistic for an island like Kaua'i. We offer the following amendment on page 5 beginning on line 1 for consideration:

"Catastrophic wildfire" means a wildfire occurring on or after the operation date that fully destroys more than five hundred commercial structures or residential structures designed for habitation; or, for an electric cooperative with less than 50,000 residential members, meets a threshold dollar amount of potential claims to be determined by the Executive Director.

### Securitization

As a not-for-profit cooperative, KIUC could have access to funding assistance from the Federal Emergency Management Agency (FEMA) following a declared disaster. It is reasonable to expect FEMA would cover 75% of KIUC's eligible rebuilding costs following a wildfire. However, FEMA would not reimburse all losses, and there could be additional third-party liability claims not covered by insurance resulting from a wildfire event. Additionally, FEMA has been mentioned by the Trump administration as an agency targeted for potential changes which could impact future availability of funding.

Securitization of wildfire related claim costs is potentially the most cost-effective method of financing if it is available, as debt can be issued in the capital market at investment grade levels often at the highest investment grade. The PUC's recently issued *2024 Inclinations on the Future of Energy in Hawaii* states "... creative new mechanisms, such as securitization, are likely necessary to secure the timely availability of funds and reduce ratepayer impact." KIUC notes that issuance and ongoing costs associated with securitization can be substantial. This likely limits the applicability of securitization to KIUC, since claim costs that may be material to a relatively small utility like KIUC may not reach a threshold that makes financial sense for incurring the carrying costs of securitization.

KIUC is nevertheless supportive of having the ability to participate in securitization in the event electric cooperative wildfire claim costs are large enough to justify a securitized offering.

### Wildfire Mitigation Cost Recovery

Fire mitigation is an essential element of Hawai'i's wildfire response efforts. KIUC has recently submitted a Wildfire Mitigation Plan (WMP) to the PUC. KIUC's WMP calls for between \$19 million and \$38 million of capital expenditures over the three-year period of 2025-2027, in addition to between \$3 million and \$4 million of yearly operating and maintenance costs. Timely recovery of incremental costs of this magnitude through utility rates is important for KIUC to remain financially strong and retain capital market access. Currently, to recover these incremental costs, KIUC's only option would be to file a general rate increase application with the PUC in a process which can take over a year's time to prepare for and obtain and cost several million dollars.

KIUC requests the legislature enact a provision authorizing the recovery of prudently incurred WMP related costs by an electric cooperative through a tariff mechanism to be established by the PUC, and particularly through an automatic rate adjustment clause. Because this pertains to the PUC's regulation and establishment of utility rates as set forth in section 269-16, we request that this provision be added as a subsection to section 269-16 instead of to the Securitization section of this bill.

Specifically, we request that the following subsection be added to Chapter 269:

**§269-16.23 Electric Cooperative Cost Recovery for Wildfire Mitigation, Repair and Restoration Costs.** Electric cooperatives are authorized to recover commission approved wildfire mitigation, repair and restoration costs through an automatic rate adjustment clause or other tariff recovery mechanism to be established by the commission.

Mahalo for your consideration.





**Testimony to the Senate Committee on Commerce and Consumer Protection**

**Senator Jarrett Keohokalole, Chair**

**Senator Carol Fukunaga, Vice Chair**

**LATE**

**Testimony to the Senate Committee on Energy and Intergovernmental Affairs**

**Senator Glenn Wakai, Chair**

**Senator Stanley Chang, Vice Chair**

**Monday, February 10, 2024, at 9:30AM  
Conference Room 229 & Videoconference**

**RE: SB1201 Relating to Wildfires**

Aloha e Chair Keohokalole, Chair Wakai, Vice Chairs and Committee Members:

My name is Sherry Menor, President and CEO of the Chamber of Commerce Hawaii ("The Chamber"). The Chamber supports Senate Bill 1201 (SB1201), which permits establishes the Wildfire Recovery Fund. Allows securitization for electric utilities.

SB1201 aligns with our 2030 Blueprint for Hawaii: An Economic Action Plan, specifically under the policy pillar for Business Services. This bill promotes policies that drive economic growth, enhance workforce opportunities, and improve the quality of life for Hawaii's residents.

While we hope a disaster like the one in West Maui never happens again, this bill ensures resources will be available if it does, particularly for local families. By creating a dedicated recovery fund, HB 982 provides a more efficient way for Hawaii residents to recover property damage claims from future wildfires. Additionally, it safeguards the creditworthiness of participating regulated utilities that contribute to the fund. Since the financial stability of Hawaii's largest electric utility is crucial to the state's economy, this bill aims to reduce financial uncertainty while supporting economic resilience. The Chamber supports HB 982 as a vital measure to protect Hawaii's families, businesses, and economy by ensuring swift wildfire recovery while preserving the financial stability of essential utilities.

The Chamber of Commerce Hawaii is the state's leading business advocacy organization, dedicated to improving Hawaii's economy and securing Hawaii's future for growth and opportunity. Our mission is to foster a vibrant economic climate. As such, we support initiatives and policies that align with the 2030 Blueprint for Hawaii that create opportunities to strengthen overall competitiveness, improve the quantity and skills of available workforce, diversify the economy, and build greater local wealth.

We respectfully ask to pass Senate Bill 1201. Thank you for the opportunity to testify.



**LATE**

P.O. Box 37158, Honolulu, Hawai`i 96837-0158  
Phone: 927-0709 [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair

DATE: Tuesday, February 11, 2025

TIME: 9:30 AM

PLACE: Conference Room 229 & Videoconference

SB 1201 Wldfires

Comments

Aloha Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 55 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

**This bill would not cover a devastating utility-caused wildfire that killed 102 people but burned down only 499 commercial structures and residential structures.**

If the law existed in 2022, then the 2023 Lahaina fire would be covered. But the funds would not be replenished since the Public Utilities Commission did not rule that HECO acted imprudently.

HECO asserts that HEI stockholders should be on the hook for only \$5 million and ratepayers might shoulder the lions share of \$1,000 million. The House EEP committee adjusted the numbers: ratepayers \$500 million, HECO \$505 million.

Mahalo  
Henry Curtis  
Executive Director

**LATE**

Testimony of  
Pacific Resource Partnership

Hawai'i State Legislature  
Senate Committee on Commerce and Consumer Protection (CPN)  
Senate Committee on Energy and Intergovernmental Affairs (EIG)  
Honorable Chairs Jarrett Keohokalole and Glen Wakai  
Honorable Vice Chairs Carol Fukunaga and Stanley Chang  
Tuesday, February 11, 2025

**Subject: Comments on SB1201 – Relating to Wildfires**

Aloha Chairs Keohokalole and Wakai, and Vice Chairs Fukunaga and Chang, and Members of the Committees:

On behalf of Pacific Resource Partnership (PRP), which represents 6,000 unionized carpenters and more than 250 contractors across Hawai'i, we offer the following comments on SB1201, which seeks to establish a wildfire recovery fund to address wildfire-related property damage and support electric utilities in rebuilding infrastructure. While the intent to aid recovery efforts is commendable, this bill presents significant concerns that outweigh its proposed benefits.

**Increased Cost of Living with No Commitment to Use Union Labor**

The establishment of a wildfire recovery fund of more than \$1 billion is anticipated to be financed primarily through HECO customers via "nonbypassable rates." This additional financial burden would directly impact the 6,000 men and women who work as union carpenters in Hawai'i, thus exacerbating the already high cost of living. This additional cost threatens the livelihoods of our members, many of whom are already struggling to make ends meet in one of the nation's most expensive states.

Furthermore, while HECO seeks to protect itself from future litigation through the creation of a wildfire recovery fund that is subsidized via higher customer rates, the utility has made no commitment to use unionized labor on the construction of much-needed infrastructure or mitigative measures designed to reduce the risk of wildfires. It would be quite remarkable to have unionized carpenters pay higher rates for electricity to help securitize HECO, while in the same breath the utility refuses to hire them for construction projects on O'ahu, Maui County and Hawai'i Island.

**Erosion of Middle-Class Financial Gains**

In 2024, Hawai'i enacted a historic state income tax cut aimed at providing relief to middle-class families. The legislation raised the standard deduction and adjusted tax brackets, resulting in significant tax savings for many residents. SB1201 threatens to negate these financial gains by



(Continued From Page 1)

imposing new financial obligations on HECO ratepayers, effectively undoing the progress made in alleviating the tax burden on middle-class families.

#### **Lack of Incentive for Hawaiian Electric Company (HECO) to Improve Infrastructure**

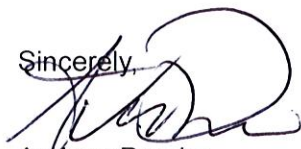
While SB1201 allocates funds to support electric utilities in rebuilding infrastructure, it does little to encourage Hawaiian Electric Company (HECO) to proactively improve its systems' resilience and reliability. Without clear mandates or incentives for HECO to enhance infrastructure and implement preventive measures, the bill risks perpetuating a cycle of reactive responses rather than fostering proactive solutions to prevent future wildfires.

#### **Conclusion**

PRP urges the committees to consider the adverse effects of SB1201 on Hawai'i's working families and the broader community. We recommend exploring alternative solutions that do not impose additional financial burdens on residents and that hold utility companies accountable for infrastructure improvements. It is crucial to develop strategies that support wildfire recovery and prevention without compromising the economic well-being of Hawai'i's middle class.

Mahalo for your time and consideration.

Sincerely,



Andrew Pereira  
Director of Public Affairs  
Pacific Resource Partnership





**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**LATE**

**LATE**

**HEARING BEFORE THE SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION and  
ENERGY AND INTERGOVERNMENTAL AFFAIRS  
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 229  
Tuesday, February 11, 2025, 9:30 A.M.**

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Members of the committee on Commerce and Consumer Protection  
To The Honorable Senator Glenn Wakai, Chair  
The Honorable Senator Stanley Chang, Vice Chair  
Members of the committee on Energy and Intergovernmental Affairs

### **SUPPORT SB1201 RELATING TO WILDFIRES**

The Maui Chamber of Commerce **SUPPORTS SB1201** which Establishes the Wildfire Recovery Fund; and allows securitization for electric utilities.

The Chamber supports the concept of this fund that helps protect impacted residents and businesses of future catastrophic wildfires by getting paid from the fund regardless of the cause of the wildfire. We acknowledge that it will help protect state, counties, large landowners, and utilities that contribute to the fund from financial uncertainty by the risk of future catastrophic wildfires. We note that residents and businesses that will benefit from this fund will also be contributors to this fund through state taxes, other governmental taxes, and as rate payers of utility companies. We all must come together on solutions when dealing with catastrophic events.

We appreciate the forward thinking of this initiative. We hope that the state would continue to explore federal and other methods of funding for expediting protective measures in order to help lessen the impacts of future disasters.

The Chamber looks forward to continued discussions on this and other related bills to find the best possible solutions.

For these reasons, we **SUPPORT SB1201**.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



**LATE**

**LATE**

February 10, 2025

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

Senator Glenn Wakai, Chair  
Senator Stanley Chang, Vice Chair  
Senate Committee on Energy and Intergovernmental Affairs

**Testimony in Strong Support of SB 1201, RELATING TO WILDFIRES  
(Establishes the Wildfire Recovery Fund. Allows securitization for electric utilities.)**

**Tuesday, February 11, 2025, 9:30 a.m.  
Conference Room 229 & Videoconference**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth, housing, and renewable energy, while safeguarding Hawaii's significant natural, cultural, and agricultural resources, and public health and safety.

LURF and its members support all forms of renewable energy and for over one hundred years, our members have led the state in energy research, development, installation, generation, transmission, and delivery of renewable energy.

LURF appreciates the opportunity to express its **strong support for SB 1201**, which establishes the Wildlife Recovery Fund and allow securitization for electric utilities.

**SB 1201.** The purpose of this bill is to serve the public interest by establishing a mechanism to provide efficient compensation for property damage resulting from a future catastrophic wildfire allegedly caused by a regulated utility, while also protecting the financial integrity of Hawaii's regulated utilities and Hawaii's economy.

**LURF's Position.** This measure proposes a proactive approach and solution to address the economic threat of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

LURF understands that SB 1201 proposes for Hawaiian Electric to fund its initial contribution through securitization, which under the circumstances, would have the least impact to customers versus other modes of financing, and is the quickest and most cost-effective way for a utility to finance the contributions to the wildfire recovery fund. We also understand that utility securitization transactions have an extensive record of success in other jurisdictions.

This bill could ensure that resources would be available for our local families if a future catastrophic wildfire occurs again, by creating a wildfire recovery fund for potential victims and could provide Hawaii families with an efficient option for recovering property damage claims from without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated electric utilities that contribute to the fund. The economic viability of our state's electric utilities is important to the economy of our state, and this measure could reduce the financial uncertainty created by the risk of future catastrophic wildfires and help support Hawaii's economy.

For the above reasons, LURF **supports SB 1201** and respectfully urges your favorable consideration.

Thank you for the opportunity to present testimony regarding this measure.



**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
COMMERCE AND CONSUMER PROTECTION  
&  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**SB 1201  
Relating to Wildfires**

February 11, 2025  
9:30 AM  
State Capitol, Conference Room 229

**LATE**

Submitted by Michelle Zambetti

Dear Chairs Keohokalole and Wakai, Vice Chairs Fukunaga and Chang, and Members of the Committees,

My name is Michelle Zambetti and I am testifying in support of SB 1201, Relating to Wildfires. SB 1201 is proposing a future solution in the event of a future catastrophic wildfire that could be caused by a regulated utility's infrastructure. Given various factors affecting our environment, including extreme weather events, SB 1201 is a proactive approach to address the economic threat of a future catastrophic wildfire. Like other states challenged by wildfires have done, Hawaii needs to establish a recovery fund that can pay claims faster after a future catastrophic wildfire, providing an option to people without the expense and uncertainty of going to court.

While I hope nothing like what happened in West Maui ever occurs again, this bill is being proposed to ensure resources would be available if it does, especially for our local families. This bill would create a future wildfire recovery fund for potential victims and provide Hawaii families with an efficient option for recovering property damage claims from a future catastrophic wildfire without the expense and uncertainty of going to court. In addition, this bill would protect the creditworthiness of the participating regulated utilities that contribute to the fund. The economic viability of our state's largest electric utility is important to the economic viability of our state. This bill's purpose is to reduce the financial uncertainty created by the risk of future catastrophic wildfires and to help support Hawaii's economy.

I support SB 1201 and request its passage. Thank you for the opportunity to share support.