

ACT 52

S.B. NO. 1573-86

A Bill for an Act Relating to the Consumer and Small Business Advocate.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 269-51, Hawaii Revised Statutes, is amended to read as follows:

“§269-51 Consumer advocate; director of commerce and consumer affairs. The director of commerce and consumer affairs shall be the consumer advocate in hearings before the public utilities commission. The consumer advocate shall represent, protect, and advance the [interest] interests of all consumers, including small businesses, of utility services. The consumer advocate shall not receive any salary in addition to the salary received as director of commerce and consumer affairs.

The responsibility for advocating the interests of the consumer of utility services shall be separate and distinct from the responsibilities of the public utilities commission and those assistants employed by the commission. As consumer advocate, the director of commerce and consumer affairs shall have full rights to participate as a party in interest in all proceedings before the public utilities commission.”

SECTION 2. Section 269-53, Hawaii Revised Statutes, is amended to read as follows:

“**[]§269-53[] Legal counsel.** The attorney general and [his] the attorney general's deputies shall act as [attorneys] legal counsel for the consumer advocate.”

SECTION 3. Section 269-54, Hawaii Revised Statutes, is amended to read as follows:

“**[]§269-54[] General powers; duties.** (a) The consumer advocate shall have the authority expressly conferred [upon him] by or reasonably implied from the provisions of this part.

(b) The consumer advocate may:

- (1) Adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this part.
- (2) Conduct investigations to secure information useful in lawful administration of any provision of this part.
- (3) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of the consumer in the public utilities field.
- (4) Study the operation of laws affecting all consumers, including small businesses, of utility services and recommend to the governor and the legislature new laws and amendments of laws in the consumers' interest in the public utilities field.
- (5) Organize and hold conferences on problems affecting consumers of utility services.
- (6) Perform such other acts as may be incidental to the exercise of the functions, powers, and duties set forth in this section.
- (7) Represent the interests of consumers of utility services before any state or federal agency or instrumentality having jurisdiction over matters which affect those interests.

(c) Whenever it appears to the consumer advocate that [any public utility has]: (1) any public utility has violated or failed to comply with any provision of this part or of any state or federal law; [or] (2) any public utility has failed to comply with any rule, regulation, or other requirement of the public utilities commission or of any other state or federal agency; [or] (3) any public utility has failed to comply with any provision of its charter or franchise; [or] (4) [that] changes, additions, extensions, or repairs to the plant or service of any public utility are necessary to meet the reasonable convenience or necessity of the public; or (5) [that any] the rates, fares, classifications, charges, or rules of any public utility are unreasonable or unreasonably discriminatory, [he] the consumer advocate may institute proceedings for appropriate relief before the public utilities commission. The consumer advocate may appeal any final decision and order in any proceeding to which [he] the consumer advocate is a party in the manner provided by law.

(d) The consumer advocate may file with the commission and serve on any public utility a request in writing to furnish any information reasonably relevant to any matter or proceeding before the commission or reasonably required by the consumer advocate to perform [his] the duties hereunder. Any such request shall set forth with reasonable specificity the purpose for which the information is requested and shall designate with reasonable specificity the information desired. The public utility shall comply with such request within the time limit set forth by the consumer advocate unless within ten days following service it requests a hearing on the matter before the public utilities commission

and states its reasons therefor. If a hearing is requested, the public utilities commission shall proceed to hold the hearing and make its determination on the request within [30] thirty days after the same is filed. The consumer advocate or the public utility may appeal to the supreme court the decision of the commission on any such request. Subject to the foregoing, such requests may ask the public utility to: (1) furnish any information with which the [director] the¹ consumer advocate may require concerning the condition, operations, practices, or services of the public utility; (2) produce and permit the consumer advocate or [his] the consumer advocate's representative to inspect and copy any designated documents (including writings, drawing, graphs, charts, photographs, recordings, and other data compilations from which information can be obtained), or to inspect and copy, test, or sample any designated tangible thing which is in the possession, custody, or control of the public utility; or (3) [to] permit entry upon land or other property in the possession or control of the utility for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object thereon."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 18, 1986.)

Note

1. So in original.