

ACT 189

S.B. NO. 1427

A Bill for an Act Relating to Public Utilities.

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

SECTION 1. Section 269-16, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) From every order made by the commission under [the provisions of] this chapter [which] that is final[,] or, if preliminary, is of the nature defined by section 91-14(a), an appeal shall lie to the supreme court subject to chapter 602 only by a person aggrieved in the contested case hearing provided for under this section in the manner and within the time provided by chapter 602, and by the rules of court. The commission [shall] may elect to be a party to all matters from which an order of the commission is appealed, and the commission [shall] may file [the] appropriate responsive briefs or pleadings [defending all such orders.] in the appeal; provided that where there was no adverse party in the case below or in cases where there is no adverse party to the appeal, the commission shall be a party to all matters in which an order of the commission is appealed and shall file the appropriate responsive briefs or pleadings in defending all such orders. The [designation] appearance of the commission as a party in appellate proceedings in no way limits the participation of persons otherwise qualified to be parties on appeal. The appeal shall not of itself stay the operation of the order appealed from, but the court may stay the order after a hearing upon a motion therefor[,] and may impose [such] conditions [as] it [may deem] deems proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained, reversed, or modified in whole or in part.”

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the

legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$150,000, or 0.0064 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000, or so much thereof as may be necessary for fiscal year 1989-1990, for a comprehensive study which shall include but not be limited to the following areas of consumer concern as they relate to local measured service in telecommunications: (1) the impacts on residential consumers' cost of telephone service and telephone calling patterns; (2) the impacts on public service agencies who utilize telephone communications to provide services; (3) the impacts on business cost of telephone service and telephone calling patterns; (4) the potential for repression of usage; (5) the potential alternatives to local measured service; and (6) other effects of the implementation of local measured service on various subscriber groups.

SECTION 4. The sum appropriated in section 3 of this Act shall be expended by the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs for the purposes of section 2 of this Act.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. The provisions of sections 1 and 2 of this Act shall take effect upon approval of this Act. The provisions of sections 3 and 4 of this Act shall take effect on July 1, 1989.

(Approved June 7, 1989.)