

ACT 72

H.B. NO. 941

A Bill for an Act Relating to the Use of Electronic Filing by the Public Utilities Commission.

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

SECTION 1. Section 269-5, Hawaii Revised Statutes, is amended to read as follows:

“§269-5 Annual report and register of orders. The public utilities commission shall prepare and present to the governor in the month of January in each year a report respecting its actions during the preceding fiscal year. This report shall include summary information and analytical, comparative, and trend data concerning major regulatory issues acted upon and pending before the commission; cases processed by the commission, including their dispositions; utility company operations, capital improvements, and rates; utility company performance in terms of efficiency and quality of services rendered; financing orders issued, adjustments made to the public benefits fee, and repayments or credits provided to electric utility customers pursuant to part X or chapter 196, part IV; a summary of power purchase agreements, including pricing, in effect during the fiscal year; environmental matters having a significant impact upon public utilities; actions of the federal government affecting the regulation of public utilities in Hawaii; long and short-range plans and objectives of the commission; together with the commission’s recommendations respecting legislation and other matters requiring executive and legislative consideration. [Copies] Electronic copies of the annual reports shall be furnished by the governor to the legislature. In addition, the commission shall establish and maintain a register of all its orders and decisions, which shall be open and readily available for public inspection, and no order or decision of the commission shall take effect until it is filed and recorded in this register.”

SECTION 2. Section 269-6.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No later than July 1, 2011, the public utilities commission shall accept from any person who submits a document to the commission the original ~~[and]~~ or one electronic copy of each application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter, and the consumer advocate shall accept service of one paper ~~[copy and one]~~ or electronic copy of each application, complaint, pleading, brief, or other document filed with the commission.

(b) The commission shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section. Until the final adoption by the commission of rules governing the electronic filing of documents with the commission, the following requirements shall apply to all documents submitted to the commission pursuant to this section; provided that additional requirements with regard

to document format may be established by the commission through written guidelines:

- (1) Unless otherwise required by this chapter or the ~~[rules or]~~ guidelines of the commission, each person who submits or files an application, complaint, pleading, brief, or other document shall submit to or file with the commission an original ~~[and]~~ or one electronic copy of each document and shall serve one paper ~~[copy and one]~~ or electronic copy of each document on the consumer advocate;
- (2) All paper documents submitted to or filed with the commission shall be printed on one side of the page only and, if practicable, in portrait orientation;
- (3) Original paper documents submitted to or filed with the commission shall not be stapled but shall be clipped together or placed in a clearly marked three-ring binder, as appropriate;
- (4) All paper documents filed or submitted to the commission shall include appropriately labeled separator pages in addition to tabbed dividers, as applicable;
- (5) All confidential documents filed under confidential seal shall be clearly designated in accordance with the requirements of any applicable protective order, and the sealed envelope in which the confidential documents are enclosed shall clearly indicate the appropriate docket number and subject; and
- ~~[(6) Electronic documents shall be submitted on a clearly marked compact disk and shall be in portable document format saved in separate files corresponding to the original paper document submission; provided that electronic documents submitted under confidential seal shall be submitted on a separate compact disk, clearly marked as confidential and indicating the appropriate docket number and subject; and~~
- ~~(7)~~ (6) Electronic documents shall be named using the filing party's name, docket number, date of filing, and name of document as part of the document title.

Upon final adoption of rules pursuant to chapter 91, the rules of the commission governing submission or filing of electronic documents shall supersede the provisions of this subsection."

SECTION 3. Section 269-7.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) No public utility, as defined in section 269-1, shall commence its business without first having obtained from the commission a certificate of public convenience and necessity. Applications for certificates shall be made in writing, on paper or electronically, to the commission and shall comply with the requirements prescribed in the commission's rules. The application shall include the type of service to be performed, the geographical scope of the operation, the type of equipment to be employed in the service, the name of competing utilities for the proposed service, a statement of its financial ability to render the proposed service, a current financial statement of the applicant, and the rates or charges proposed to be charged including the rules governing the proposed service."

SECTION 4. Section 269-15, Hawaii Revised Statutes, is amended to read as follows:

"§269-15 Commission may institute proceedings to enforce chapter. (a) If the public utilities commission is of the opinion that any public utility or any

person is violating or neglecting to comply with any provision of this chapter or of any rule, ~~[regulation,]~~ order, or other requirement of the commission, or of any provisions of its franchise, charter, or articles of association, if any, or that changes, additions, extensions, or repairs are desirable in its plant or service to meet the reasonable convenience or necessity of the public, or to insure greater safety or security, or that any rates, fares, classifications, charges, or rules are unreasonable or unreasonably discriminatory, or that in any way it is doing what it ought not to do, or not doing what it ought to do, it shall in writing, on paper or electronically, inform the public utility or the person and may institute ~~[such]~~ proceedings before it, as may be necessary to require the public utility or the person to correct ~~[any such]~~ the deficiency. ~~[In such event, the]~~ The commission may, by order, direct the consumer advocate to appear in ~~[such]~~ the proceeding~~[-]~~ to carry out the purposes of this section. The commission may examine into any of the matters referred to in section 269-7, notwithstanding that the same may be within the jurisdiction of any court or other body; provided that this section shall not be construed as in any manner limiting or otherwise affecting the jurisdiction of ~~[any such]~~ the court or other body.

(b) In addition to any other remedy available, the commission or its enforcement officer may issue citations to any person acting in the capacity of or engaging in the business of a public utility within the State, without having a certificate of public convenience and necessity or other authority previously obtained under and in compliance with this chapter or the rules adopted thereunder.

- (1) The citation may contain an order of abatement and an assessment of civil penalties as provided in section 269-28(c). All penalties collected under this subsection shall be deposited in the treasury of the State. Service of a citation issued under this subsection shall be made by personal service whenever possible, or by certified mail, restricted delivery, sent to the last known business or residence address of the person cited.
- (2) Any person served with a citation under this subsection may submit a written request, on paper or electronically, to the commission for a hearing~~[-]~~ within twenty days from the receipt of the citation, with respect to the violations alleged, the scope of the order of abatement, and the amount of civil penalties assessed. If the person cited under this subsection timely notifies the commission of the request for a hearing, the commission shall afford an opportunity for a hearing under chapter 91. The hearing shall be conducted by the commission, or the commission may designate a hearings officer to hold the hearing.
- (3) If the person cited under this subsection does not submit a written request, on paper or electronically, to the commission for a hearing within twenty days from the receipt of the citation, the citation shall be deemed a final order of the commission. The commission may apply to the appropriate court for a judgment to enforce the provisions of any final order, issued by the commission or designated hearings officer pursuant to this subsection, including the provisions for abatement and civil penalties imposed. In any proceeding to enforce the provisions of the final order of the commission or designated hearings officer, the commission need only show that the notice was given, a hearing was held, or the time granted for requesting the hearing has run without such a request, and a certified copy of the final order of the commission or designated hearings officer.

- (4) If any party is aggrieved by the decision of the commission or the designated hearings officer, the party may appeal to the intermediate appellate court, subject to chapter 602, in the manner provided for civil appeals from the circuit court; provided that the operation of an abatement order shall not be stayed on appeal unless specifically ordered by a court of competent jurisdiction after applying the stay criteria enumerated in section 91-14(c). The sanctions and disposition authorized under this subsection shall be separate and in addition to all other remedies either civil or criminal provided in any other applicable statutory provision. The commission may adopt rules under chapter 91 as may be necessary to fully effectuate this subsection.”

SECTION 5. Section 269-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

“(d) The commission shall make every effort to complete its deliberations and issue its decision as expeditiously as possible and before nine months from the date the public utility filed its completed application; provided that in carrying out this mandate, the commission shall require all parties to a proceeding to comply strictly with procedural time schedules that it establishes. If a decision is rendered after the nine-month period, the commission shall report in writing, on paper or electronically, the reasons therefor to the legislature within thirty days after rendering the decision.

Notwithstanding subsection (c), if the commission has not issued its final decision on a public utility’s rate application within the nine-month period stated in this section, the commission, within one month after the expiration of the nine-month period, shall render an interim decision allowing the increase in rates, fares and charges, if any, to which the commission, based on the evidentiary record before it, believes the public utility is probably entitled. The commission may postpone its interim rate decision for thirty days if the commission considers the evidentiary hearings incomplete. In the event interim rates are made effective, the commission shall require by order the public utility to return, in the form of an adjustment to rates, fares, or charges to be billed in the future, any amounts with interest, at a rate equal to the rate of return on the public utility’s rate base found to be reasonable by the commission, received under the interim rates that are in excess of the rates, fares, or charges finally determined to be just and reasonable by the commission. Interest on any excess shall commence as of the date that any rate, fare, or charge goes into effect that results in the excess and shall continue to accrue on the balance of the excess until returned.

The nine-month period in this subsection shall begin only after a completed application has been filed with the commission and a paper or an electronic copy served on the consumer advocate. The commission shall establish standards concerning the data required to be set forth in the application in order for it to be deemed a completed application. The consumer advocate may, within twenty-one days after receipt, object to the sufficiency of any application, and the commission shall hear and determine any objection within twenty-one days after it is filed. If the commission finds that the objections are without merit, the application shall be deemed to have been completed upon original filing. If the commission finds the application to be incomplete, it shall require the applicant to submit an amended application consistent with its findings, and the nine-month period shall not commence until the amended application is filed.”

2. By amending subsection (f) to read:

“(f) Notwithstanding any law to the contrary, for public utilities having annual gross revenues of less than \$2,000,000, the commission may make and amend its rules and procedures to provide the commission with sufficient facts necessary to determine the reasonableness of the proposed rates without unduly burdening the utility company and its customers. In the determination of the reasonableness of the proposed rates, the commission shall:

- (1) Require the filing of a standard form application to be developed by the commission. The standard form application for general rate increases shall describe the specific facts that shall be submitted to support a determination of the reasonableness of the proposed rates, and require the submission of financial information in conformance with a standard chart of accounts to be approved by the commission, and other commission guidelines to allow expeditious review of a requested general rate increase application;
- (2) Hold a public hearing as prescribed in section 269-12(c), at which the consumers or patrons of the public utility may present testimony to the commission concerning the increase. The public hearing shall be preceded by proper notice, as prescribed in section 269-12; and
- (3) Make every effort to complete its deliberations and issue a proposed decision and order within six months from the date the public utility files a completed application with the commission; provided that all parties to the proceeding strictly comply with the procedural schedule established by the commission and no person is permitted to intervene. If a proposed decision and order is rendered after the six-month period, the commission shall report in writing, on paper or electronically, the reasons therefor to the legislature within thirty days after rendering the proposed decision and order. Prior to the issuance of the commission’s proposed decision and order, the parties shall not be entitled to a contested case hearing.

If all parties to the proceeding accept the proposed decision and order, the parties shall not be entitled to a contested case hearing, and section 269-15.5 shall not apply. If the commission permits a person to intervene, the six-month period shall not apply and the commission shall make every effort to complete its deliberations and issue its decision within the nine-month period from the date the public utility’s completed application was filed, pursuant to subsections (b), (c), and (d).

If a party does not accept the proposed decision and order, either in whole or in part, that party shall give notice of its objection or nonacceptance within the timeframe prescribed by the commission in the proposed decision and order, setting forth the basis for its objection or nonacceptance; provided that the proposed decision and order shall have no force or effect pending the commission’s final decision. If notice is filed, the above six-month period shall not apply and the commission shall make every effort to complete its deliberations and issue its decision within the nine-month period from the date the public utility’s completed application was filed as set forth in subsection (d). Any party that does not accept the proposed decision and order under this paragraph shall be entitled to a contested case hearing; provided that the parties to the proceeding may waive the contested case hearing.

Public utilities subject to this subsection shall follow the standard chart of accounts to be approved by the commission for financial reporting purposes.

The public utilities shall file a certified copy of the annual financial statements in addition to an updated chart of accounts used to maintain their financial records with the commission and consumer advocate within ninety days from the end of each calendar or fiscal year, as applicable, unless this timeframe is extended by the commission. The owner, officer, general partner, or authorized agent of the utility shall certify that the reports were prepared in accordance with the standard chart of accounts.”

SECTION 6. Section 269-19.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) No contract or agreement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial, or similar services, and no contract or agreement for the purchase, sale, lease, furnishing, or exchange of any real or personal property rights, including but not limited to real estate, improvements on land, equipment, leasehold interests, easements, rights-of-way, franchises, licenses, permits, trademarks, and copyrights, made or entered into after July 1, 1988, between a public utility and any affiliated interest shall be valid or effective unless and until the contract or agreement has been received by the commission. It shall be the duty of every public utility to file with the commission a verified paper or electronic copy of any contract or agreement with an affiliate having a face value of at least \$300,000, or a verified summary of any unwritten contract or agreement having a face value of at least \$300,000 within forty-five days of the effective date of the contract or agreement. Each and every contract or agreement between a public utility and an affiliate for capital expenditures, other than for real property or an interest therein, shall be accompanied with price quotations provided by at least two nonaffiliated suppliers, providers, or purveyors, or if ~~[such]~~ the price quotations cannot be obtained without substantial expense to the utility, ~~[that]~~ the public utility shall verify that fact by affidavit; provided that all contracts or agreements effective at the time of a general rate proceeding, which were discoverable and subject to review by the commission, shall be valid and not subject to subsequent regulatory review and action by the commission; provided further~~[-, however,]~~ that notwithstanding any other provision to the contrary, there shall be no transfer of real property, or interest in real property, between a public utility and an affiliate~~[-]~~ without prior approval of the commission, after hearing, wherein the public utility must show that the transfer is in the best interest of the public utility and all of its customers.

No affirmative action is required by the commission ~~[in regards]~~ with regard to the filing of the contract or agreement; provided ~~[however,]~~ that if the commission, in its discretion, determines that the terms and conditions of the contract or agreement to be unreasonable or otherwise contrary to the public interest, the commission shall notify the public utility of its determination, whereupon the public utility shall have the option to alter, revise, amend, or terminate the contract or agreement, or assume the risk that future payments for performance of the contract or agreement will be deemed unreasonable and excluded by the commission for ratemaking purposes.”

SECTION 7. Section 271-9.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No later than July 1, 2011, the public utilities commission shall accept from any person who submits a document to the commission the original ~~[and]~~ or one electronic copy of each application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter, and the consumer advocate shall accept service of one paper ~~[copy and one]~~

or electronic copy of each application, complaint, pleading, brief, or other document filed with the commission.

(b) The commission shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section. Until the final adoption by the commission of rules governing the electronic filing of documents with the commission, the following requirements shall apply to all documents submitted to the commission pursuant to this section; provided that additional requirements with regard to document format may be established by the commission through written guidelines:

- (1) Unless otherwise required by this chapter or the ~~[rules or]~~ guidelines of the commission, each person who submits or files an application, complaint, pleading, brief, or other document shall submit to or file with the commission an original ~~[and]~~ or one electronic copy of each document and shall serve one paper ~~[copy and one]~~ or electronic copy of each document on the consumer advocate;
- (2) All paper documents submitted to or filed with the commission shall be printed on one side of the page only and, if practicable, in portrait orientation;
- (3) Original paper documents submitted to or filed with the commission shall not be stapled but shall be clipped together or placed in a clearly marked three-ring binder, as appropriate;
- (4) All paper documents filed or submitted to the commission shall include appropriately labeled separator pages in addition to tabbed dividers, as applicable;
- (5) All confidential documents filed under confidential seal shall be clearly designated in accordance with the requirements of any applicable protective order, and the sealed envelope in which the confidential documents are enclosed shall clearly indicate the appropriate docket number and subject; and
- ~~[(6) Electronic documents shall be submitted on a clearly marked compact disk and shall be in portable document format saved in separate files corresponding to the original paper document submission; provided that electronic documents submitted under confidential seal shall be submitted on a separate compact disk, clearly marked as confidential and indicating the appropriate docket number and subject; and~~
- ~~(7)~~ (6) Electronic documents shall be named using the filing party's name, docket number, date of filing, and name of document as part of the document title.

Upon final adoption of rules pursuant to chapter 91, the rules of the commission governing submission or filing of electronic documents shall supersede the provisions of this subsection."

SECTION 8. Section 271-10, Hawaii Revised Statutes, is amended to read as follows:

"§271-10 Reports and decisions of commission. (a) Whenever the public utilities commission inquires into the operations, operating rights, or rates, or directs inquiry and investigation into motor carrier activities regulated under this chapter, and holds public hearing thereon, it shall make a report in writing, on paper or electronically, in respect thereto, which shall state its findings of fact and conclusions of law, together with its decision, order, or requirement in the premises.

(b) All reports issued under subsection (a) shall be entered of record, and a paper or an electronic copy thereof shall be furnished to parties of record in ~~[any such]~~ the proceeding.

(c) The commission may provide for the publication of its reports and decisions in ~~[such]~~ a form and manner as may be best adapted for public information and use, and these authorized publications shall be competent evidence of the reports and decisions of the commission therein contained in all courts of this State without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual reports.”

SECTION 9. Section 271-13, Hawaii Revised Statutes, is amended to read as follows:

“§271-13 Permits for contract carriers by motor vehicle. (a) Except as otherwise provided in this section and in section 271-16, no person shall engage in the business of a contract carrier by motor vehicle over any public highway in this State unless there is in force, with respect to ~~[such]~~ the carrier, a permit issued by the public utilities commission authorizing the person to engage in this business.

(b) Applications for permits shall be made in writing, on paper or electronically, to the commission, be verified under oath, and shall be in ~~[such]~~ a form ~~[and]~~, contain ~~[such]~~ the information, and be accompanied by proof of service upon interested parties, as the commission shall~~[-]~~ by ~~[regulation,]~~ rule require.

(c) Subject to section 271-15, a permit shall be issued to any qualified applicant therefor, authorizing in whole or in part the operations covered by the application, if it is found that the applicant is fit, willing, and able ~~[properly]~~ to properly perform the service of a contract carrier by motor vehicle, and to conform to this chapter and the lawful requirements~~[-]~~ and rules~~[-, and regulations]~~ of the commission thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter; otherwise, the application shall be denied. In determining whether issuance of a permit will be consistent with the public interest and the transportation policy, the commission shall consider the number of shippers to be served by the applicant, the nature of the service proposed, whether the proposed service can be or is being properly performed by existing common carriers, the effect ~~[which]~~ that granting the permit would have upon the services of the protesting carriers, the effect ~~[which]~~ that denying the permit would have upon the applicant’s proposed shipper or shippers, and the changing character of shipper requirements; provided~~[-, however,]~~ that a permit shall not be issued in any case where it has been established that an existing common carrier is properly performing~~[-]~~ the proposed service. The commission shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and it shall attach to it at the time of issuance, and from time to time thereafter ~~[such]~~ the reasonable terms, conditions, and limitations consistent with the character of the holder of the permit as a contract carrier, including terms, conditions, and limitations respecting the person or persons, their names, the number or class thereof for which the contract carrier may perform transportation service, as may be necessary to assure that the business is that of a contract carrier and within the scope of the permit, and to carry out with respect to the operation of the carrier the requirements established by the commission under sections 271-9(a)(2) and 271-9(a)(4). Any permit covering the transportation of passengers may include authority to transport, in the same vehicle with the passengers, baggage of passengers~~[-]~~ and also authority to transport baggage of passengers in a separate vehicle; provided that within the scope of the permit

and any terms, conditions, or limitations attached thereto, the carrier shall have the right to substitute or add to its equipment and facilities as the development of its business may require; and provided further that no motor carrier shall commence operations under any contract carrier authority granted under this section until it has filed with the commission a certified copy or an electronic copy of a written contract or contracts executed with the shipper or shippers for whom the service is authorized in the permit to be provided, the contract or contracts to be bilateral and impose specific obligations upon both carrier and shipper or shippers, and to set forth all terms and conditions of any transportation agreement obtaining between the motor carrier and the shipper or shippers.”

SECTION 10. Section 271-31, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Complaints may be made[;] in writing, on paper or electronically, by the commission on its own motion or by any person or body politic, setting forth any act or thing done, or omitted to be done, by any motor carrier, including any rule, ~~[regulation,]~~ rate, or charge[;] heretofore established or fixed by or for any motor carrier, in violation or claimed to be in violation, of any law or of any order or rule of the commission.”

SECTION 11. Section 271G-7.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No later than July 1, 2011, the public utilities commission shall accept from any person who submits a document to the commission the original ~~[and]~~ or one electronic copy of each application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter, and the consumer advocate shall accept service of one paper ~~[copy and one]~~ or electronic copy of each application, complaint, pleading, brief, or other document filed with the commission.

(b) The commission shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section. Until the final adoption by the commission of rules governing the electronic filing of documents with the commission, the following requirements shall apply to all documents submitted to the commission pursuant to this section; provided that additional requirements with regard to document format may be established by the commission through written guidelines:

- (1) Unless otherwise required by this chapter or the ~~[rules of]~~ guidelines of the commission, each person who submits or files an application, complaint, pleading, brief, or other document shall submit to or file with the commission an original ~~[and]~~ or one electronic copy of each document and shall serve one paper ~~[copy and one]~~ or electronic copy of each document on the consumer advocate;
- (2) All paper documents submitted to or filed with the commission shall be printed on one side of the page only and, if practicable, in portrait orientation;
- (3) Original paper documents submitted to or filed with the commission shall not be stapled but shall be clipped together or placed in a clearly marked three-ring binder, as appropriate;
- (4) All paper documents filed or submitted to the commission shall include appropriately labeled separator pages in addition to tabbed dividers, as applicable;
- (5) All confidential documents filed under confidential seal shall be clearly designated in accordance with the requirements of any applicable protective order, and the sealed envelope in which the confi-

dential documents are enclosed shall clearly indicate the appropriate docket number and subject; and

- ~~[(6)]~~ Electronic documents shall be submitted on a clearly marked compact disk and shall be in portable document format saved in separate files corresponding to the original paper document submission; provided that electronic documents submitted under confidential seal shall be submitted on a separate compact disk, clearly marked as confidential and indicating the appropriate docket number and subject; and
- ~~(7)~~ (6) Electronic documents shall be named using the filing party's name, docket number, date of filing, and name of document as part of the document title.

Upon final adoption of rules pursuant to chapter 91, the rules of the commission governing submission or filing of electronic documents shall supersede the provisions of this subsection."

SECTION 12. Section 271G-19, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

"(d) Any water carrier, or any officer, agent, employee, or representative thereof, who shall fail or refuse to comply with any provision of this chapter, or any rule, ~~[regulation,]~~ filed tariff or requirement or order thereunder, shall pay a civil penalty to the State in the sum of not less than \$100~~[-]~~ nor more than \$5,000 for each offense~~[-]~~ and, in the case of a continuing violation, not to exceed \$5,000 for each additional day during which the failure or refusal continues. A penalty shall become due and payable when the person incurring it receives a notice in writing, on paper or electronically, reasonably describing the violation and advising that the penalty is due.

(e) In addition to any other remedy available, the commission or its enforcement officer may issue citations to persons acting in the capacity of or engaging in the business of a water carrier within the State, without having a certificate of public convenience and necessity or other authority previously obtained under and in compliance with this chapter and the rules adopted thereunder.

- (1) The citation may contain an order of abatement and an assessment of civil penalties of not less than \$100~~[-]~~ nor more than \$500 for each ~~[such]~~ offense~~[-]~~ and, in the case of a continuing violation, not less than \$200 nor more than \$500 for each day that uncertified activity continues. All penalties collected under this subsection shall be deposited in the treasury of the State. Service of a citation issued under this subsection shall be made by personal service whenever possible, or by certified mail, restricted delivery, sent to the last known business or residence address of the person cited.
- (2) Any person served with a citation under this subsection may submit a written request, on paper or electronically, to the commission for a hearing~~[-]~~ within twenty days from the receipt of the citation, with respect to the violations alleged, the scope of the order of abatement, and the amount of civil penalties assessed. If the person cited under this subsection timely notifies the commission of the request for a hearing, the commission shall afford an opportunity for a hearing under chapter 91. The hearing shall be conducted by the commission, or the commission may designate a hearings officer to hold the hearing.
- (3) If the person cited under this subsection does not submit a written request, on paper or electronically, to the commission for a hearing within twenty days from the receipt of the citation, the citation shall

be deemed a final order of the commission. The commission may apply to the appropriate court for a judgment to enforce the provisions of any final order[;] issued by the commission or designated hearings officer pursuant to this subsection, including the provisions for abatement and civil penalties imposed. In any proceeding to enforce the provisions of the final order of the commission or designated hearings officer, the commission need only show that the notice was given, a hearing was held, or the time granted for requesting the hearing has run without ~~[such]~~ a request, and a certified copy of the final order of the commission or designated hearings officer.

- (4) If any party is aggrieved by the decision of the commission or the designated hearings officer, the party may appeal, subject to chapter 602, in the manner provided for civil appeals from the circuit courts; provided that the operation of an abatement order shall not be stayed on appeal unless specifically ordered by a court of competent jurisdiction after applying the stay criteria enumerated in section 91-14(c). The sanctions and disposition authorized under this subsection shall be separate and in addition to all other remedies, either civil or criminal, provided in any other applicable statutory provision. The commission may adopt rules under chapter 91 as may be necessary to fully effectuate this subsection.”

SECTION 13. The public utilities commission shall conform its electronically filed documents and its electronic filing processes to comply with the Americans with Disabilities Act and all existing federal laws and regulations to ensure equal access for individuals with disabilities.

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.

(Approved June 24, 2021.)