
A BILL FOR AN ACT

RELATING TO THE CONSUMER ADVOCATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that it is crucial to
2 Hawaii's economic and environmental future to reduce the use of
3 fossil fuels in the State and expand the use of alternative and
4 renewable energy resources. In the past ten years, we have
5 witnessed an unprecedented rise in the cost of energy. The
6 September 11, 2001, terrorist attacks, natural disasters,
7 tumultuous geopolitics, and increased global demand have all
8 contributed to the meteoric rise in the cost of fossil fuels and
9 energy. In addition, pollution from increased fossil fuel use,
10 both in the developed world and in newly industrialized
11 countries, has had a potentially disastrous impact on the
12 climate of the planet. Hawaii is particularly vulnerable to
13 these forces.

14 Hawaii has a near-total dependence on imported fossil fuels
15 for the provision of energy and transportation. A fuel
16 disruption or dramatic spike in the price of fossil fuels would
17 create a perfect storm for economic disaster here. In addition,
18 our existence as an island state makes Hawaii particularly



1 vulnerable to the violent weather patterns and rising ocean
2 levels that are predicted to take place if climate change
3 continues unabated.

4 The legislature notes that alternatives exist to these dire
5 possibilities. Hawaii has an abundance of available renewable
6 resources that may be used to produce energy for the State. Use
7 of these renewable resources would reduce our dependence on
8 imported fossil fuels and help preserve the quality of our
9 natural environment.

10 The legislature further finds that the consumer advocate
11 should take a greater role in advocating for the use of
12 alternative and renewable energy resources in the provision of
13 public utilities for Hawaii. One of the most widespread uses of
14 fossil fuels in Hawaii comes from the provision of public
15 utilities, and it is in the interest of all consumers to
16 preserve the economic and environmental future of Hawaii through
17 the increased use of alternative energy where available.

18 The purpose of this Act is to advance the goals of energy
19 independence and environmental preservation by requiring the
20 consumer advocate to advocate for the use of alternative energy
21 sources in the provision of public utilities.



1 SECTION 2. Section 269-54, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§269-54 General powers; duties.** (a) The consumer
4 advocate shall have the authority expressly conferred by or
5 reasonably implied from the provisions of this part.

6 (b) The consumer advocate may:

7 (1) Adopt rules pursuant to chapter 91 necessary to
8 effectuate the purposes of this part.

9 (2) Conduct investigations to secure information useful in
10 the lawful administration of any provision of this
11 part.

12 (3) Assist, advise, and cooperate with federal, state, and
13 local agencies and officials to protect and promote
14 the interests of the consumer in the public utilities
15 field.

16 (4) Study the operation of laws affecting all consumers,
17 including small businesses, of utility services and
18 recommend to the governor and the legislature new laws
19 and amendments of laws in the consumers' interest in
20 the public utilities field.

21 (5) Organize and hold conferences on problems affecting
22 consumers of utility services.



1 (6) Perform [~~such~~] other acts as may be incidental to the
2 exercise of the functions, powers, and duties set
3 forth in this section.

4 (7) Represent the interests of consumers of utility
5 services before any state or federal agency or
6 instrumentality having jurisdiction over matters which
7 affect those interests.

8 (c) The consumer advocate shall consider the long-term
9 benefits of renewable resources in the consumer advocate's role
10 as consumer advocate.

11 (d) The consumer advocate shall advocate for the use of
12 renewable energy sources in the provision of public utilities
13 when the cost of using a renewable energy source is not more
14 than twenty-five per cent greater than the cost of using a
15 comparable fossil fuel and where the cost of the renewable
16 energy source is projected to decrease below the cost of the
17 comparable fossil fuel over the following ten years.

18 ~~[(d) Whenever]~~ (e) The consumer advocate may institute
19 proceedings for appropriate relief before the public utilities
20 commissioner whenever it appears to the consumer advocate that:



1 (1) ~~[any]~~ Any public utility has violated or failed to
2 comply with any provision of this part or of any state
3 or federal law;

4 (2) ~~[any]~~ Any public utility has failed to comply with any
5 rule, regulation, or other requirement of the public
6 utilities commission or of any other state or federal
7 agency;

8 (3) ~~[any]~~ Any public utility has failed to comply with any
9 provision of its charter or franchise;

10 (4) ~~[changes,]~~ Changes, additions, extensions, or repairs
11 to the plant or service of any public utility are
12 necessary to meet the reasonable convenience or
13 necessity of the public; or

14 (5) ~~[the]~~ The rates, fares, classifications, charges, or
15 rules of any public utility are unreasonable or
16 unreasonably discriminatory~~[, the consumer advocate~~
17 ~~may institute proceedings for appropriate relief~~
18 ~~before the public utilities commission]~~.

19 The consumer advocate may appeal any final decision and
20 order in any proceeding to which the consumer advocate is a
21 party in the manner provided by law.



1 [~~(e)~~] (f) The consumer advocate may file with the
2 commission and serve on any public utility a request in writing
3 to furnish any information reasonably relevant to any matter or
4 proceeding before the commission or reasonably required by the
5 consumer advocate to perform the duties hereunder. Any such
6 request shall set forth with reasonable specificity the purpose
7 for which the information is requested and shall designate with
8 reasonable specificity the information desired. The public
9 utility shall comply with such request within the time limit set
10 forth by the consumer advocate unless within ten days following
11 service it requests a hearing on the matter before the public
12 utilities commission and states its reasons therefor. If a
13 hearing is requested, the public utilities commission shall
14 proceed to hold the hearing and make its determination on the
15 request within thirty days after the same is filed. The
16 consumer advocate or the public utility may appeal the decision
17 of the commission on any such request, subject to chapter 602,
18 in the manner provided for civil appeals from the circuit
19 courts. Subject to the foregoing, ~~[such]~~ those requests may ask
20 the public utility to:

21 (1). Furnish any information with which the consumer
22 advocate may require concerning the condition,



1 operations, practices, or services of the public
2 utility;

- 3 (2) Produce and permit the consumer advocate or the
4 consumer advocate's representative to inspect and copy
5 any designated documents (including writings,
6 drawings, graphs, charts, photographs, recordings, and
7 other data compilations from which information can be
8 obtained), or to inspect and copy, test, or sample any
9 designated tangible thing which is in the possession,
10 custody, or control of the public utility; or
11 (3) Permit entry upon land or other property in the
12 possession or control of the utility for the purpose
13 of inspection and measuring, surveying, photographing,
14 testing, or sampling the property or any designated
15 object thereon."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.
19

INTRODUCED BY:

Cynthia Thelen

JAN 19 2011



Report Title:

Consumer Advocate; Alternative Energy

Description:

Requires the consumer advocate to advocate for the increased use of renewable energy sources in the provision of public utilities.

