



**DEPARTMENT OF BUSINESS,  
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Statement of  
**LUIS P. SALAVERIA**  
Director  
Department of Business, Economic Development, and Tourism  
before the  
**SENATE COMMITTEE ON WAYS & MEANS**

Friday, February 27, 2015  
1:00 p.m.  
State Capitol, Conference Room 211

in consideration of  
**SB 1050, SD 1**  
**RELATING TO ENERGY.**

Chair Tokuda, Vice Chair Kouchi, and Members of the Committee.

The Department of Business, Economic Development & Tourism (DBEDT) supports the intent of SB 1050, SD 1, which creates a process by which the Public Utilities Commission (PUC) could establish a community-based renewable energy tariff or tariffs upon application by an electric utility or its own motion.

DBEDT supports the purpose of this legislation and offers comments geared to keep this measure moving forward. Further, DBEDT views the concept of community renewables as a potentially attractive and viable option for increasing the penetration of renewable energy on Hawaii's electric grids in a reliable, cost-effective and equitable manner. By allowing utility customers to participate in the tariff and receive credit for the energy provided to the grid, renewable energy projects can be sited in optimal locations, creating an efficient mechanism for broadening and deepening the benefits of clean energy to Hawaii's residents.

DBEDT has a concern with the characterization of a customer's participation with third parties as an investment.<sup>1</sup> There are any number of contractual arrangements that third parties may enter into with customers. However, characterizing those arrangements in statute as

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<sup>1</sup> See SB 1050 SD1, page 5 line 3 reference to "interest".

“investments” could create a risk that such a program would have to be registered as a security and comply with securities law.

Finally, we defer to the PUC on the regulatory and administrative requirements of the bill.

Thank you for the opportunity to offer these comments on SB 1050, SD 1.



DAVID Y. IGE  
GOVERNOR  
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TO THE SENATE COMMITTEE ON WAYS AND MEANS

THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2015

FRIDAY, FEBRUARY 27, 2015  
1:00 p.m.

TESTIMONY OF JEFFREY T. ONO, EXECUTIVE DIRECTOR, DIVISION OF  
CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER  
AFFAIRS, TO THE HONORABLE JILL N. TOKUDA, CHAIR,  
AND MEMBERS OF THE COMMITTEE

SENATE BILL NO. 1050, S.D. 1 - RELATING TO ENERGY

**DESCRIPTION:**

This measure proposes to establish the community-based renewable energy program, which allows the Public Utilities Commission ("PUC") to establish a tariff that allows all electric utility customers to obtain an interest in a portion of an eligible renewable energy project that is providing electricity to the electric utility and receive compensation for the energy provided to the electric utility.

**POSITION:**

The Division of Consumer Advocacy supports this bill.

COMMENTS:

Thus far, distributed renewable energy systems, such as solar photovoltaic (“PV”) systems, have been largely limited to single-family homeowners. Renters have no incentive to make the capital investment for a PV system that will be owned by a landlord. Furthermore, high-rise apartment owners do not have sufficient roof space to benefit from solar PV. Therefore, a large segment of Hawaii’s population has been locked out of the distributed generation market for a number of reasons, including economic reasons even with the new financing and leasing options available for rooftop solar PV systems. A properly designed community-based renewable energy program has the potential to provide significant energy cost-savings to this under-served market. It also opens up access to affordable renewable energy to schools and community organizations that might otherwise be unable to participate in renewable energy self-generation programs.

In establishing the appropriate tariff, the PUC should take the following into consideration:

- There should be no cross-subsidy by non-participants to fund any part of a community-based renewable energy program;
- Participants should receive a per kilowatt-hour credit on their electricity bills based upon the cost of generation;
- Participants should be allowed access to capital through the Department of Business, Economic Development, and Tourism’s Green Energy Market Securitization or “GEMS” program; and
- The PUC should have the discretion to revise, modify, or cancel the program, if, at any time, the PUC determines that the program is not in the public’s interest.

Therefore, the Consumer Advocate supports this bill that would require the PUC to establish a community-based renewable energy tariff that would take effect no later than January 1, 2016.

Thank you for this opportunity to testify.



**SENATE COMMITTEE ON WAYS & MEANS**

February 27, 2015, 1 P.M.

Room 21123

(Testimony is 6 pages long)

**TESTIMONY IN STRONG SUPPORT OF SB 1050**

Chair Tokuda, Vice-Chair Kouchi, and members of the Committee:

The Blue Planet Foundation strongly supports SB 1050, establishing a community renewables program to expand the number of Hawai'i residents who can participate in the benefits of clean energy. This measure would allow residents to obtain a beneficial interest in solar and wind energy systems—even if those systems are not sited on their property.

SB 1050 makes renewable energy accessible for many Hawai'i residents, businesses, and agencies who cannot currently take advantage of energy cost savings available from solutions like rooftop solar photovoltaic energy. Community-based renewable energy boosts private investment in our green energy infrastructure while it maximizes the flexibility of our clean energy solutions. In doing so, it benefits all Hawai'i residents by reducing the amount of money we send out of the state to pay for imported fossil fuels.

To ensure that SB 1050 successfully delivers clean energy access, it must retain three key features. First, SB 1050 should enable anyone (community, renewable developer, land or building owner, etc.) to propose a community renewables project (subject to technical interconnection)—not just the electric utility. This process should be streamlined with standardized rules for interconnection and applicable rates. A streamlined process will truly enable the democratization of our renewable energy resources. Second, the measure should directly establish a program and a timeline, to ensure that consumers are able to benefit from community renewables in the near term. Finally, the bill should not preclude an electric utility from developing and implementing their own community renewables program—it should simply establish a framework for others to develop projects and broaden the competitive renewable landscape.

For these reasons, and the reasons outlined below, Blue Planet Foundation strongly supports SB 1050.

## **Our current system leaves many Hawai'i households, businesses, and public agencies unable to directly participate in renewable energy**

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Many residents and businesses have been using solar power and other technologies to break free from energy costs being driven upward by fossil fuels. Unfortunately, many individuals and households are currently unable to directly participate in renewable energy because of their location, building type, access to the electric utility grid, or other impediments. For example, (a) it may be difficult for a single condominium owner to install solar panels, without a wider installation on behalf of the entire condominium; (b) it may be difficult for homeowners with shaded roofs to harness as much of the sun's energy as their neighbors; or (c) a homeowner may find that the utility is limiting the amount of energy from the homeowner's particular circuit.

All of these situations can be addressed with community-based renewable energy.

## **Community Renewables unlocks clean energy solutions, improves our economy, and benefits our electrical grid**

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Community Renewables allows residents to join together to find energy solutions. For example, several condominium owners in different buildings may collectively install solar panels in another location with spare rooftop capacity. Even larger communities can join together to install renewable energy in ways that are most effective and efficient for their particular community. Or public agencies, such as schools, colleges, universities, and local governments will have more flexibility to access renewable energy across their systems. The cost savings can benefit important educational programs, social services, and new hiring.

Community Renewables can also help make our energy system more robust, by evening out the distribution of renewable energy on the grid. For example, homeowners on a crowded circuit can install solar panels on another circuit, and receive the credit against their energy bill. By promoting renewable energy on under-utilized circuits, it can help the utility to operate our electrical system more effectively and efficiently. In addition to these benefits, group net metering creates new construction jobs, stimulates the economy, reduces emissions of greenhouse gases, promotes energy independence, and will assist in meeting and exceeding the state's clean energy goals.

Community Renewables can also empower new energy innovations. For example, a community electric vehicle charger could participate in the program, tying charging to the availability of 100% renewable energy generated elsewhere on the grid. The program can also become a catalyst for smart energy pricing, where the value of renewable energy changes as supply and demand change on the grid throughout the course of a day.

## Ensuring Fairness for All Utility Customers

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The promise of Community Renewables is that, if scaled up appropriately, it can provide fair access to clean power for all consumers. But this promise will only be realized if the program (i) promotes broad participation by many customers, (ii) invites innovation and competition from members of the community and clean energy companies, (iii) grows beyond the confines of the traditional utility business model, and (iii) takes a forward-looking view on how to value clean energy. A program that is too utility-centric would risk closing the door on competition from innovative and entrepreneurial solutions. A program limited to large utility-scale energy projects, each subject to individualized negotiation with the utility, and each potentially limited by a traditional utility business model, will struggle to achieve the promise of fair access for all. Consumers need a broad, open, program that encourages new innovations and utility business models.

Too often, the concept of “fairness” is shifted away from focusing on fair access for all consumers, and instead becomes about protecting utility revenues under the traditional business model. Many assume that large “cost shifts” from solar energy customers to non-solar energy customers are inevitable, even though Hawai‘i does not yet have the benefit of an accounting that addresses all the costs and benefits of solar power. Hawaii has not yet implemented a dynamic rate structure that would comprehensively capture all costs and benefits as they change over time, or that would encourage new utility revenue streams for promoting distributed power. Thus, public dialogue is narrowly focused on the utility’s “lost revenues” rather than a comprehensive view of costs, benefits, and access for all consumers.<sup>1</sup>

The myth of a solar “cost shift” also ignores the fundamental fact that the regulated monopoly utility is built on “cross-subsidies” between customers. A regulated utility is intended to ensure that all customers receive equal access to power. But the cost of providing that power is not the same for all customers.

For example, the regulated utility rate structure does not charge rural residents more, even though the fixed costs of delivering energy a longer distance may be higher than in settings with higher population density.

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<sup>1</sup> In the HECO Companies’ Testimony on companion bill HB 484, the HECO Companies testified that “[a]s of December 2014, the annualized total fixed cost shift was \$53MM.” It is unclear whether this “total fixed cost-shift” accounts for many benefits of distributed solar energy, such as reduced transmission losses, forfeited customer energy credits, reduced utility capital expenditures on renewable generation, or other potentially substantial benefits for participants and non-participants alike. Nor does it account for benefits that many ratepayers may value, such as consumer choice and protecting our environment. A focus on lost utility revenues, rather than a total accounting of costs and benefits, cannot capture the state’s energy policies. For example, if a similar analysis was applied to energy efficiency (which is functionally the same as solar generation that is used on-site at the same time it is generated) the utility might argue that efficiency is not “fair for ALL consumers.” Plainly, energy policy favors efficiency. Just as energy policy favors clean energy.

In another example, the regulated utility rate structure allows commercial customers to pay lower rates than residential customers, while invoking a capacity charge or other mechanism. In contrast, residential customers pay higher rates but do not typically see differentiation based on their capacity demand. Thus, it is inevitable that some residential customers are providing a cross-subsidy to other residential customers. It is likely that commercial customers are providing a cross-subsidy to residential customers, or vice-versa.

**And most-importantly, it is bad energy policy to zealously slam the door on “cross-subsidies” because it may be desirable to provide a cross-subsidy for low-income ratepayers.** The cross-subsidy language inserted into companion bill HB 484 HD1 is too broad; it would prohibit this outcome in favor of low-income ratepayers.

In light of these important issues, consumers need more than a “fairness” sound bite.

For these reasons, we strongly urge the committees to forward the bill without a “cross-subsidy” amendment. To the extent that the committees seek to implement amendments related to this issue, we offer the following suggestion. This suggestion is itself an amendment of changes made to the House companion bill HB 484, and is intended to ensure that both costs and benefits to participants and non-participants are evaluated.

(b) In establishing the community-based renewable energy tariff or tariffs, the commission shall consider mechanisms to appropriately address potential cross-subsidy or shifting of costs and benefits between participants and non-participants. Such considerations may include, but shall not be limited to, time-of-use rates, demand charges, system efficiency, ancillary services, and other elements of a dynamic rate structure to promote an appropriate balance of costs and benefits in the interest of both participating and non-participating ratepayers.

Community Renewables is an innovative solution that is already happening in at least ten other states, such as California, Colorado, Massachusetts, Washington, Maryland, and Maine.<sup>2</sup> California calls it “shared renewables.” Colorado and Minnesota call them “community solar gardens.” Massachusetts calls it “neighborhood” metering. Washington D.C. calls it “community renewables.” Under any name, this is a good idea, urgently needed in Hawaii.

We respectfully request that SB 1050 be forwarded for further consideration. Thank you for the opportunity to testify.

*The following pages contain an “FAQ” on community renewables and an article from Pacific Business News.*

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<sup>2</sup> The U.S. Dep’t of Energy’s National Renewable Energy Laboratory has reported on elements of these programs, <http://www.nrel.gov/docs/fy11osti/49930.pdf>.

## Community-based renewable energy FAQ

### ***Q: Why is community renewables necessary?***

A: While solar has been an incredible success story in Hawai'i, the majority of residents simply cannot directly participate in renewable energy because of their lack of access to a suitable rooftop for solar, such as many of the 40% of residents who live in multi-unit housing such as condos, or those whose roofs are shaded or otherwise incapable of supporting solar. Community-based renewable energy allows residents to invest in and benefit from solar and wind energy systems—even if those systems weren't directly on their property. It's a matter of fairness and equality. Everyone should be able to participate in Hawai'i's clean energy future, not just those fortunate enough to have a big roof over their heads.

### ***Q: What are the benefits of community renewables?***

Aside from making Hawai'i's clean energy policies more equitable, community renewables can bring real economic value to those who need it the most. Under California's Multifamily Affordable Solar Housing program (established in 2008, with at least 7 MW installed, and 13 MW signed up), community renewables is estimated to save low-income households 30% on their electric bills.

### ***Q: Is anyone else doing community renewables?***

A: Yes, as of November 2010, utilities, public utility commissions, and communities in California, Florida, Arizona, Utah, Colorado, Washington, Vermont, Massachusetts, Maryland, and Maine had all taken steps to adopt innovative community renewables programs. According a report by the U.S. Dep't of Energy National Renewable Energy Laboratory (NREL), the Interstate Renewable Energy Council (IREC) examined “the various community solar approaches that have been implemented thus far,” to develop “model” rules for community based renewable energy programs. These model rules could be used to develop a program for Hawai'i.

### ***Q: Aren't there other approaches to solve the same problem of lack of access to renewable energy?***

A: Yes, there are, such as a the potential for a utility-sponsored “green pricing” program. But this is not available in Hawai'i and there are no current plans to make such a program available. Moreover, a community-based renewable energy program would empower residents to take control of their energy situation with their own resources, leveraging the efficiency of efficiency of the market.

OUR VIEW

## Solar gardens can make everyone a winner



A proven technology that is gaining popularity on the Mainland deserves some serious consideration here in Hawaii,

where the sun is part of our brand identity.

The concept is especially important on Oahu as we grow upward with high-rise condominium towers that offer their residents few options for renewable energy.

We're talking about community solar gardens, which enable businesses and residents to invest in renewable energy by subscribing to a solar electric array that is connected to the utility grid. Subscribers will then receive a credit on their electric bills.

Solar energy has been one of Hawaii's fastest-growing industries during the past decade, helped in large part by federal and state tax credits. Even so, its market penetration is under 10 percent.

One of the problems is that approximately 40 percent of Hawaii residents live in multifamily households, many of them without enough roof space to accommodate renewable-energy equipment. There also are economic barriers in rental units where tenants would reap the benefits while landlords pay for the equipment.

Community solar gardens would remove some of those barriers.

The Blue Planet Foundation, which introduced legislation last year, calls it a win-win-win proposition.

"Households everywhere can win by accessing affordable clean energy," the foundation says. "The utility wins by adding another tool to solve energy-interconnection questions. And businesses win because they can access a market that has long been cut off."

Hawaiian Electric Co. also likes the concept, according to spokesman Peter Rosegg.

"We are looking for a model for customers who want to invest in and benefit from solar PV but do not have the opportunity because they are high-rise residents, home renters or other reasons," he said. "The model should also offer potential lower-cost renewable energy and economic benefits for all our customers, not just those investing in community solar or single-family homeowners who can benefit from solar on their own roofs."

As one would expect, solar contractors also think it's a great idea. It would mean more business for them and expand solar's reach.

So, what's stopping us?

The Blue Planet Foundation's House Bill 1363 attracted some attention in the 2013 Legislature, but it was one of those complicated issues whose "time had not yet come." The foundation will submit a new draft this session.

We think the time has come to give community solar gardens serious attention. In our bid to rely more on renewable energy and less on fossil fuels, here's a concept that holds promise to move us in the right direction.



**Testimony prepared by Clean Energy Collective for the Committee on Ways and Means hearing on Friday, February 27<sup>th</sup>, 2015**

SB 1050, SD1 is an important piece of legislation for Hawaii and its residents. The legislation would open up access to renewable energy for all residents, allowing the potential for everyone to enjoy the economic and environmental benefits of clean energy. Clean Energy Collective (CEC) appreciates the opportunity to provide written testimony to the Committees on Ways and Means today regarding SB 1050, SD1.

Clean Energy Collective (CEC) is the nation's leading developer of community shared solar solutions, and can directly testify to the importance of strong, well-designed community renewable energy legislation. Community-based renewable energy projects allow anyone, regardless of whether or not they can put solar panels on their roof, to own and control their own renewable energy generation. By doing so, each individual is allowed to choose their own energy future, supplying their energy needs from local generation that they control. We have over 50 projects built or under development in 8 states and can testify directly to the positive impacts they have in their community.

In general, we are very supportive of SB 1050, SD1 and thank the sponsors for their efforts. We urge you to pass the bill and allow all Hawaiians the chance to access their own clean energy. However, in the spirit of constructive input, CEC recommends that you consider the following changes or clarifications:

- 1) **Remove the 1 MW limit for standard interconnection process in Sec 2 (b).** Instead, CEC recommends simply setting the maximum project size at 5 MW with all projects subject to the interconnection processes approved by the commission. As written, the current legislation adds an unnecessary extra step in the approval process for projects larger than 1 MW, which will slow down deployment of community-based renewables and potentially even prevent the development of projects up to 5 MW in size, hindering the ability for customers to get higher economic benefits out of the program.
- 2) **Add language to require a percentage of small subscribers for each community-based renewable energy facility, to ensure that small customers are included.** One of the appealing qualities of community-based renewable systems is that they allow all citizens the ability to own and benefit from renewable energy. And while it is important for all customers to be able to participate, CEC has found that the best balance comes when community-based renewable facilities have subscribers from all sectors and sizes, and detailed language in the legislation is needed to ensure this delicate balance. Without this, large customers may crowd out individuals and small businesses. CEC recommends adding language similar to what is found in Massachusetts' Virtual Net Metering Law 220CMR18 – requiring each community-based renewable facility to have no more than



two customers consuming over 25 kW of capacity, with those two customers making up no more than 50% of overall project capacity.

- 3) **CEC recommends that the Hawaii PUC refer to successful community renewable energy programs when implementing SB1050, SD1.** Many of the details of the community-based renewable energy programs enabled by SB1050, SD1 are left up to implementation by the PUC. CEC is supportive of this approach, as the PUC has the expertise and knowledge needed to handle such program details. In doing so, we suggest that the PUC use examples of successful community renewable energy program implementations. This will allow faster implementation and greater chance of success in Hawaii. Some examples are Colorado's Community Solar Gardens program and Massachusetts' Community Shared Solar program. Examples of important details to consider include: contract length between consumers and the facility owner, minimum number of subscribers per project, and interconnection standards and policies for allowing interconnection of a facility before 100% subscription.

CEC appreciates the opportunity to provide feedback and looks forward to staying engaged in this process as the Legislature moves forward with this important piece of legislation. By developing a program for community-based renewables, Hawaii will see an increase in renewable energy deployment across the state, while creating a means for all citizens to control and receive the benefits of clean energy generation.

Sincerely,

A handwritten signature in black ink, appearing to read "TH", written over a horizontal line.

Tom Hunt  
VP of Corporate Development  
Clean Energy Collective



Friday, February 27, 2015

Relating to Senate Bill 1050 Senate Draft 1  
Testifying in Strong Support

Aloha, Chair Tokuda, Vice-Chair Kouchi and Members of the Senate Committee on Ways and Means,

The Democratic Party of Hawaii **supports SB1050 SD1 Relating to Energy**, which the community-based renewable energy program, allowing the Public Utilities Commission to establish a tariff that allows all electric utility customers to obtain an interest in a portion of an eligible renewable energy project that is providing electricity to the electric utility and receive compensation for the energy provided to the electric utility.

Presently, many households and businesses in our islands are unable to enjoy the benefits of renewable energy. Though we believe costs for renewable energy options have been dropping, they are still quite high and unattainable for them. There are also those that may rent their homes or office spaces, or live in condominiums and who do not have any options available to them.

What's more, for those that do have the means to access renewable energy resources, like photovoltaic systems, the ability to install these systems has been hindered by very limited access to the electric grid, only certain neighborhoods are still allowed to do so.

By establishing a mechanism for community-based renewable energy, this bill allows everyone, not just those with right opportunity or financial means, to benefit from renewable energy.

For these reasons, we urge you to act favorably on this bill.

Mahalo for the opportunity to testify,  
And The Legislation Committee of the Democratic Party of Hawaii



**Testimony of Hawai'i Green Growth in Support of SB1050 SD1  
Relating to Energy**

**Senate Committee on Ways and Means**

27 February 2015, 1:00pm, Room 211

Audrey Newman

Hawai'i Green Growth

P.O. Box 535 Ho'olehua, Hawai'i 96729

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*Hawai'i Green Growth is a voluntary partnership of more than 70 state, county, federal, business, and non-governmental leaders from energy, food production, natural resources, waste reduction, planning, green jobs, and other sectors who have come together to support a shared statewide commitment and tangible actions toward sustainability and a model green economy.*

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Aloha Chair Tokuda, Vice Chair Kouchi, and Members of the Committee:

**Hawai'i Green Growth (HGG) strongly supports SB1050 SD1.** This establishes the community-based renewable energy program, which allows the public utilities commission to establish a tariff that allows all electric utility customers to obtain an interest in a portion of an eligible renewable energy project that is providing electricity to the electric utility and receive compensation for the energy provided to the electric utility.

HGG supports a community-based renewable energy program that allows Hawai'i ratepayers to obtain an interest in renewable energy equipment, or otherwise benefit from renewables located anywhere on their island grid. HGG agrees that participants should receive credit on their electricity bill as determined by a tariff approved the Public Utilities Commission.

**SB1050 SD1** is a clean energy priority that will help advance action on the *Aloha+ Challenge: A Culture of Sustainability – He Nohona 'Ae'oi'a*, a joint leadership commitment to achieve six sustainability targets by 2030 in the areas of clean energy, local food production, natural resource management, solid waste reduction, smart growth and climate resilience, green jobs and education. The *Aloha+ Challenge* was unanimously endorsed by the 2014 Legislature (SCR 69) and signed by Hawai'i's Governor, Mayors and Office of Hawaiian Affairs. It was also internationally recognized as a model of integrated sustainability at the UN Conference on Small Island Developing States in Samoa.

Mahalo nui for your consideration,

A handwritten signature in black ink that reads "Audrey Newman". The signature is written in a cursive style and is positioned above the printed name.

**Audrey Newman**

Senior Advisor, Hawai'i Green Growth (HGG)

*Bringing leaders together to achieve sustainability in Hawai'i & be a model for a green economy*

<http://www.hawaiigreengrowth.org>



**Testimony before the Senate  
Committee on Ways and Means  
February 27, 2015, 1:00 pm  
Conference Room 211  
S.B. 1050 SD1– Relating to Energy**

**By Keiki-Pua Dancil, Ph.D.  
Director, Business Strategy Development  
Hawaiian Electric Company, Inc.**

*Chair Tokuda, Vice Chair Kouchi, and Members of the Committee:*

My name is Keiki-Pua Dancil. I am Director of Business Strategy Development at Hawaiian Electric Company. I am testifying on behalf of Hawaiian Electric and its subsidiary utilities, Maui Electric and Hawaii Electric Light (collectively “Companies”). The Companies are in **strong support of community renewables**<sup>i</sup>. However we have **concerns about the language proposed in SB 1050 SD1**. We have **included edits for consideration** into SB 1050 SD 2.

Our vision is to deliver cost-effective, clean, reliable, and innovative energy services to our customers, creating meaningful benefits for Hawaii's economy and environment, and making Hawaii a leader in the nation's energy transformation. To drive our vision for Hawaii, we anchor our strategies in a set of common objectives; lowering customer bills 20 percent by 2030, increasing renewables in our generation portfolio, modernizing our grid, and expanding customer options.

We have the following guiding principles for a fair and sustainable community renewables program:

- **Access:** Expand options to more of our customers, meeting their ever-changing energy needs in a fair and sustainable manner. Community renewables will be one of a suite of products and services that allow us to tailor a package of solutions to address customers' energy needs.
- **Fairness to ALL customers:** Develop community renewables in the most cost effective manner that benefits ALL customers, not just participants in the community renewables program and does not increase the net energy metering (NEM) cost shift.<sup>ii</sup>

#### Access

The Companies support increasing options for ALL customers. A community renewables program is an option that will provide the benefits of renewable energy to those customers (participants) who either choose not to or do not have access to install renewables on their property. As of December 2014, twelve percent of our customers have received the benefits of solar energy through our NEM program, which is only accessible to those with access to on-site generation. A community renewable program would be available to everyone with a utility bill that is not currently in the NEM program.

#### Fairness to ALL customers

The Companies supports a community renewables program that is fair and sustainable to ALL customers, not just participants in the program. The most cost effective renewable energy would be developed in optimal locations to the electric system (interconnection), at scale, and areas with high solar irradiance or wind capacity. Collectively, optimizing size (economies of scale), capacity factor, and interconnection to the electric system ensures ALL customers will get the most benefit from renewables.<sup>iii</sup>



The Companies suggest the following edits for consideration in SB 1050 SD1 (see attached bill, explanations below):

- **Page 3 lines 12-21 and Page 4 lines 1-3:** The bill attempts to address the fairness issue brought up in testimonies by the Public Utilities Commission, Consumer Advocate, DBEDT, and the Companies. Unfortunately, the timeline proposed in the bill and the remedies suggested to address the cost shift and cross subsidies are not aligned. The remedies include items such as time of use rates, demand charges, and dynamic rate structures, which are all determined in a rate case. The bill requires the community-based renewable energy tariff to be completed no later than January 1, 2016. We suggest using language from HB 484 HD1. **Suggested language is inserted in bold and removal of language is strikethrough.**
  - (b) In establishing the community-based renewable energy tariff or tariffs, the commission shall **ensure that there shall be no** ~~consider mechanisms to address potential cross-subsidy or shifting of costs and benefits between participants and to non-participants to~~ **fund any part of the community-based renewable energy program.** ~~achieve an appropriate cost and benefit balance for participating and nonparticipating ratepayers. The mechanisms may include but are not limited to:~~
    - (1) ~~Time of use rates;~~
    - (2) ~~Demand charges;~~
    - (3) ~~System efficiency;~~
    - (4) ~~Ancillary services; and~~
    - (5) ~~Other elements of a dynamic rate structure.~~
- **Page 4 lines 4-10:** Proposed language provides clarity that these community-based renewable energy projects are subject to the “community-based renewable energy tariff” approved by the commission. Suggested removal of language because there are established policies addressing interconnection of generating resources (of varying sizes) approved by the PUC (e.g. Rule 14H and others). Persons or entities should be following these policies. **Suggested language is inserted in bold and removal of language is strikethrough.**
  - (bc) Any person or entity may propose, own, or operate a community-based renewable energy project; **pursuant to the “community-based renewable energy tariff”, and any** ~~provided that a project equal to or less than one megawatt in size shall be subject to streamlined and standardized interconnection approval processes established by the commission., and a project greater than one megawatt in size shall be subject to the commission’s individualized review and approval.~~
- **Page 4 lines 15-17:** There are established policies addressing interconnection of generating resources established by the PUC (e.g. Rule 14H and others). Persons or entities should be following these policies. **Suggested strike of language.**
  - (d) ~~The community based renewable energy tariff and related interconnection processes shall, to the extent possible, be standardized.~~
- **Page 5 lines 1-5:** The community-based renewable energy tariff program should benefit ALL customers in a FAIR and equitable manner. Renewable energy from a community-based renewable energy project should be procured in the most cost-effective manner.<sup>iv</sup> **Suggested language is inserted in bold and removal of language is strikethrough.**
  - (1) ~~Allows all~~ **the electric utility to procure the most cost-effective renewable energy to benefit all customers regardless of their participation in the community-based renewable energy tariff program, ensuring fairness to all customers**
  - (2) **Allows electric utility customers not participating in the net energy metering (NEM) program,** irrespective of rate class, to receive ~~compensation~~ **credit** equal to their pro rata share of interest in a ~~portion or portions of an eligible~~ **community-based** renewable energy project that is providing electricity to the electric utility; and
- **Page 5 lines 6-8:** The bill’s language is not clear on the crediting mechanism for the participating customers’ interest in the community—based renewable energy project. **Suggested language is inserted in bold and removal of language is strikethrough.**
  - (3) Allows the electric utility to implement a billing arrangement to ~~compensate~~ **credit** those customers **for participating in the community-based renewable energy tariff program equal to their pro rata**



interest in the community-based renewable energy project for the electricity provided to the electric utility.

- **Page 5 insertion of new language:** SB 1050 contained a definition of wheeling to be amended to HRS 269-1 and language stating that nothing in this section would be construed as wheeling. SB 1050 SD 1 removed both of these sections. For clarity, we suggest a broader definition of wheeling to be inserted as well as language stating that nothing in this section should be construed as wheeling. **Suggested language in bold.**  
**(f) Nothing in this section shall be construed to permit wheeling.**

**SECTION 3. Section 269-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted to read as follows:**

**“Wheeling” means the process of transmitting electric power, which the utility has not produced or purchased, from a seller’s point of generation across a utility owned transmission and distribution system to a wholesale purchaser or the seller’s retail customer; or the simultaneous purchase and sale or exchange of electric power without the physical movement of the electric power over a transmission or distribution system.”**

Thank you for the opportunity to testify.

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<sup>i</sup> <http://www.energy.gov/eere/sunshot/solar-market-pathways>. Hawaiian Electric is a participating utility stakeholder in Solar Electric Power Association’s (SEPA) Department Of Energy’s Sun Shot Initiative grant to explore community solar business models and consumer demographics to develop more standardized program design options.

<sup>ii</sup> As of December 2014, the annualized total fixed cost shift was \$53MM, a \$15MM increase from December 2013.

<sup>iii</sup> <http://www.hawaiielectric.com/heco/hidden/Hidden/CorpComm/Hawaiian-Electric-sends-six-more-Oahu-solar-contracts-to-Public-Utilities-Commission-for-approval?cpsectcurrchannel=1> (average price of solar \$0.14/kWh).

<sup>iv</sup> HRS 269-145.5(b)(3) Maximizing interconnection of distributed generation to the State’s electric grids on a cost-effective basis at non-discriminatory terms and just and reasonable rates, while maintaining the reliability of the State’s electric grids, and allowing such access and rates through applicable rules, orders, and tariffs as reviewed and approved by the commission.

# S.B. NO. 1050

[PROPOSED SD 2]

THE SENATE  
TWENTY-EIGHTH LEGISLATURE, 2015  
STATE OF HAWAII

---

## A BILL FOR AN ACT

RELATING TO ENERGY.

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

1           SECTION 1. The legislature finds that all Hawaii residents  
2 should be able to participate in and enjoy the economic,  
3 environmental, and societal benefits of renewable energy.

4 Spurred by the Hawaii clean energy initiative and increasingly  
5 affordable clean energy options, such as solar photovoltaic,  
6 localized renewable energy generation technology has become  
7 increasing attainable.

8           While residential solar energy use has grown dramatically  
9 across in recent years, many residents and businesses are  
10 currently unable to directly participate in renewable energy  
11 because of their location, building type, access to the electric  
12 utility grid, or other impediments.

13           The community-based renewable energy program seeks to  
14 rectify this inequity by dramatically expanding the market for  
15 eligible renewable energy resources to include residential and  
16 business renters, occupants of residential and commercial  
17 buildings with shaded or improperly oriented roofs, and other  
18 groups who are unable to access the benefits of onsite clean

# S.B. 1050

## [PROPOSED SD2]

1 energy generation. The legislature finds that it is in the  
2 public interest to promote broader participation in self-  
3 generation by Hawaii residents and businesses through the  
4 development of community renewable energy facilities in which  
5 participants are entitled to generate electricity and receive  
6 credit for that electricity on their utility bills.

7 Community based renewable energy creates new construction  
8 jobs, stimulates the economy, reduces emissions of greenhouse  
9 gases, promotes energy independence, and assists in meeting the  
10 State's clean energy goals. Further, community-based renewable  
11 energy enables residents and businesses to save money on their  
12 electricity bills, thereby providing additional funds for other  
13 purchasing, investment, or other economic activity.

14 While the concept of "wheeling" electricity over utility  
15 infrastructure has been the subject of discussion for years, the  
16 community-based renewable energy program contemplated in this  
17 Act should not be construed as "wheeling" because the tariff or  
18 tariffs established by the public utilities commission will  
19 address the utility costs related to transmission and  
20 distribution infrastructure and grid operations.

S.B. 1050  
[PROPOSED SD2]

1           The purpose of this Act is to establish the Hawaii  
2 community-based renewable energy program to make the benefits of  
3 renewable energy more accessible to a greater number of Hawaii  
4 residents.

5           SECTION 2.       Chapter 269, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§269-       Community-based renewable energy tariffs. (a)

9 Upon application by an electric utility, or upon its own motion,  
10 the commission shall establish a community-based renewable  
11 energy tariff or tariffs. A community-based renewable energy  
12 tariff shall take effect no later than January 1, 2016.

13           (b) In establishing the community-based renewable energy  
14 tariff or tariffs, the commission shall ensure that there shall  
15 be no consider mechanisms to address potential cross-subsidy or  
16 shifting of costs and benefits between participants and to non-  
17 participants to fund any part of the community-based renewable  
18 energy program. achieve an appropriate cost and benefit balance  
19 for participating and nonparticipating ratepayers. The  
20 mechanisms may include but are not limited to:

21                 (1) Time of use rates;

S.B. 1050  
[PROPOSED SD2]

1 ~~(2) Demand charges~~

2 ~~(3) System efficiency;~~

3 ~~(4) Ancillary services; and~~

4 ~~(5) Other elements of a dynamic rate structure.~~

5 ~~(cb) Any person or entity may propose, own, or operate a~~  
6 ~~community-based renewable energy project; pursuant to the~~  
7 ~~"community-based renewable energy tariff", and any provided that~~  
8 ~~a project equal to or less than one megawatt in size shall be~~  
9 ~~subject to streamlined and standardized interconnection~~  
10 ~~processes established by the commission, and a project greater~~  
11 ~~than one megawatt in size shall be subject to the commission's~~  
12 ~~individualized review and approval.~~

13 ~~(c) An electric utility may develop and implement its own~~  
14 ~~community-based renewable energy project or projects; provided~~  
15 ~~that the projects shall be subject to the commission's review~~  
16 ~~and approval.~~

17 ~~(d) The community-based renewable energy tariff and~~  
18 ~~related interconnection processes shall, to the extent possible,~~  
19 ~~be standardized.~~

20 ~~(e) For purposes of this section:~~

S.B. 1050  
[PROPOSED SD2]

1       "Community-based renewable energy tariff" means a tariff  
2 approved by the commission that:

3       (1) Allows ~~all-the~~ electric utility to procure the most  
4       cost-effective renewable energy to benefit all  
5       customers, regardless of their participation in the  
6       community-based renewable energy tariff program,  
7       ensuring fairness to all customers.

8       (2) Allows electric utility customers not participating in  
9       the net energy metering (NEM) program, irrespective of  
10       rate class, to receive ~~compensation credit~~ equal to  
11       their pro rata share of interest in a ~~portion or~~  
12       portions of an eligible community-based renewable  
13       energy project that is providing electricity to the  
14       electric utility; and

15       (~~3~~2) Allows the electric utility to implement a billing  
16       arrangement to ~~compensate credit~~ those customers for  
17       participating in the community-based renewable energy  
18       tariff program equal to their pro rata interest in the  
19       community-based renewable energy project for the  
20       electricity provided to the electric utility.

S.B. 1050  
[PROPOSED SD2]

1 (f) Nothing in this section shall be construed to permit  
2 wheeling.

3 SECTION 3. Section 269-1, Hawaii Revised Statutes, is  
4 amended by adding a new definition to be appropriately  
5 inserted to read as follows:

6 “Wheeling” means the process of transmitting electric  
7 power, which the utility has not produced or  
8 purchased, from a seller’s point of generation across  
9 a utility owned transmission and distribution system  
10 to a wholesale purchaser or the seller’s retail  
11 customer; or the simultaneous purchase and sale or  
12 exchange of electric power without the physical  
13 movement of the electric power over a transmission or  
14 distribution system.”

15 SECTION 43. New statutory material is underscored.

16 SECTION 54. This Act shall take effect upon its approval.



Testimony Before the Senate Committee on  
Ways and Means

By Michael Yamane, P.E.  
Chief of Operations  
Kauai Island Utility Cooperative  
4463 Pahee Street, Suite 1, Lihue, Hawaii, 96766-2000

Friday, February 27, 2015, 1:00 p.m.  
Conference Room #211

**Senate Bill No. 1050 SD1 – Relating to Energy**

To the Honorable Jill N. Tokuda, Chair; Ronald D. Kouchi, Vice-Chair, and Members of the Committee:

Thank you for the opportunity to testify on this measure. I am Michael Yamane, Chief of Operations at Kauai Island Utility Cooperative (“KIUC”).

Kauai Island Utility Cooperative would like to offer comments on SB1050 SD1, which proposes a community based solar tariff.

By May of this year, KIUC will have more than 30 megawatts of utility-scale solar PV online, which will provide more than 50% of the electricity needed to meet Kauai’s daytime demand. This will result in a lower cost of generation which benefits all of Kauai’s residents.

KIUC is actively investigating a Time of Use (TOU) pilot that will allow our members to voluntarily participate in a program that encourages them to shift their energy consumption to the daytime hours, when they will be billed at a reduced rate. This gives consumers an incentive to use cheaper, cleaner solar energy during the day and helps ensure that there is sufficient demand for KIUC’s abundant solar resources.

Two focus groups recently conducted for KIUC found strong support for the concept of TOU rates, with participants approving the plan not only because it would save their households money, but because they understood the greater community benefit of shifting power consumption from night to day.

KIUC believes that the PUC should have the flexibility as to the timing and the details of the establishment of this tariff. To impose a deadline could have unintended consequences on KIUC's efforts.

Thank you for your consideration.

TESTIMONY OF RANDY IWASE  
CHAIR, PUBLIC UTILITIES COMMISSION  
STATE OF HAWAII  
TO THE  
SENATE COMMITTEE ON  
WAYS AND MEANS

FEBRUARY 27, 2015  
1:00 p.m.

**MEASURE:** S.B. No. 1050, S.D.1  
**TITLE:** Relating to Energy

Chair Tokuda and Members of the Committee:

**DESCRIPTION:**

This measure would add a new section to Chapter 269, Hawaii Revised Statutes (“HRS”), to explicitly authorize the Public Utilities Commission (“Commission”) to establish community based renewable energy tariffs by which customers who have invested in renewable energy generation facilities are allowed to receive compensation from the utility for electricity produced by those facilities.

**POSITION:**

The Commission supports the intent of a tariff structure to enable new energy programs.

**COMMENTS:**

The Commission views the intent of this measure as consistent with the principles articulated in the Commission’s white paper entitled, *Commission’s Inclinations on the Future of Hawaii’s Electric Utilities*. A properly implemented community based renewable energy tariff has the ability to increase renewable energy generation while improving customers’ options to manage energy use. The Commission notes that a properly implemented community based renewable energy tariff should ensure that the program is equitable to all ratepayers and that any new generation resources proposed under such a program maximize the use of cost-effective renewable resources. Further, the Commission notes that the discretion to revise and modify the program should be left to the Commission so that appropriate adjustments can be made to ensure that the program remains in the public interest.

Thank you for the opportunity to testify on this measure.



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

SENATE COMMITTEE ON WAYS & MEANS  
Friday, February 27, 2015 — 1:00 p.m. — Room 211

**Ulupono Initiative Strongly Supports SB 1050 SD 1, Relating to Energy**

Dear Chair Tokuda, Vice Chair Kouchi, and Members of the Committee:

My name is Murray Clay and I am Managing Partner of the Ulupono Initiative, a Hawai'i-based impact investment company that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase clean, renewable energy, and waste reduction. We believe that self-sufficiency is essential to our future prosperity, and will help shape a future where economic progress and mission-focused impact can work hand in hand.

**Ulupono strongly supports SB 1050 SD 1**, which establishes a community-based renewable energy program, because it aligns with our goal of producing more clean, renewable energy in Hawai'i.

As imported fossil fuel prices have become more volatile, clean energy options like solar PV have become more economically attractive. Yet, to participate in the benefits of solar PV, a resident would need to have access to a roof with direct sunlight, access to the utility's grid, and be located in an area on the grid that can incorporate intermittent renewable energy. This leaves out many from participating, including renters and apartment dwellers. This bill creates a structure that would allow increased participation by residents and eventually maximize solar energy production throughout the grid.

Through increased renewable energy production, the State can be in a better position to meet its clean energy goals and obtain energy self-sufficiency. Community solar will stimulate the economy and create new jobs including many in the construction industry. Furthermore, solar PV is often the most recognizable clean energy source for the average person. If more people are better able to participate in solar energy production, the more aware they will be about the benefits of clean energy and this could create a more informed and supportive general public toward clean energy policies overall.

This bill also allows the utility to obtain cost recovery for the transmission of electricity through its grid infrastructure. As Hawai'i's energy issues become more complex and challenging, we appreciate this committee's efforts to look at policies that support

*Investing in a Sustainable Hawai'i*



renewable energy production.

Thank you for this opportunity to testify.

Respectfully,

Murray Clay  
Managing Partner

# Unified United States Common Law Grand Jury:

P.O. Box 59; Valhalla, New York, 10595; Fax - (888) 891-8977

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## WRIT OF QUO WARRANTO

5 SERVED VIA UNITED STATES POSTAL SERVICE TO: United States Supreme Court  
Judges and all Federal District Judges:

10 FILED VIA UNITED STATES POSTAL SERVICE IN: US Supreme Court & All United  
States District Courts

*“Silence can only be equated with fraud where there is a legal or moral duty to speak,  
or where an inquiry left unanswered would be intentionally misleading...”<sup>1</sup>”*

15 

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- Official proceeding 18 USC §1512 • Clerk is to file. 18 USC §2076 • Felony to conceal or remove 18 USC §2071

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20 Bar controlled federal and state court judges, by their presumed authority, contrary to their oath  
and duty fraudulently claim the Constitution for the United States and its cap-stone Bill of Rights  
abolished by traitorous bar controlled legislators, acts of conspiracy, treason and war against the  
United States.

25 We the People Decree by Quo Warranto all said unconstitutional legislation null and void and  
declare all such subversives enemies of the Peoples of the United States of America and order all  
United States Marshals, Bailiffs, County Sheriffs and Deputies to arrest all such federal and state  
judges for conspiracy, treason and breach of the peace when witnessing the violation of Peoples’  
unalienable rights from the bench, in violation of Article III Section 3 for levying war against the  
people, adhering to the enemy, giving aid and comfort.<sup>2</sup>

30 18 U.S. Code §2385 WHOEVER ORGANIZES OR HELPS OR ATTEMPTS TO ORGANIZE ANY SOCIETY, GROUP,  
OR ASSEMBLY OF PERSONS WHO TEACH, ADVOCATE, OR ENCOURAGE THE OVERTHROW OR DESTRUCTION  
OF ANY SUCH GOVERNMENT<sup>3</sup> BY FORCE OR VIOLENCE; OR BECOMES OR IS A MEMBER OF, OR AFFILIATES  
WITH, ANY SUCH SOCIETY, GROUP, OR ASSEMBLY OF PERSONS [BAR], KNOWING THE PURPOSES THEREOF -  
SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN TWENTY YEARS, OR BOTH...

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<sup>1</sup> U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932

<sup>2</sup> Article III Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

<sup>3</sup> Preamble We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Article I Section 8 To make rules for the government and regulation of the land and naval forces;

# WRIT QUO WARRANTO<sup>4</sup>

*"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."*

5 [Downs v. Bidwell, 182 U.S. 244 (1901)]

COMES NOW THE CONSTITUTED<sup>5</sup> UNIFIED<sup>6</sup> COMMON LAW<sup>7</sup> GRAND JURIES<sup>8</sup> of the fifty united States of America, this evil day;

10 WE COMMAND all County, State, Federal and US Supreme Court judges and clerks to perform their duty guaranteeing to every state in this union a republican form of government<sup>9</sup> and protect each of them against invasion<sup>10</sup>, or vacate your office now.

15 WHEREAS; We the People in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, did ordain and establish the Constitution for the United States of America that all Judges and all members of the Government both state and Federal are lawfully bound to obey<sup>11</sup>, DECREE THAT:

20 We the People have been providentially provided legal recourse to address the criminal conduct of persons, themselves entrusted to dispense justice. The grand jury is an institution separate from the courts, over whose functioning the courts do not preside thus, the People have the unbridled right by law and in law to empanel their own grand juries and present "True Bills" of information, indictment and presentment

<sup>4</sup> **QUO WARRANTO.** In old English practice. A writ, in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show by what warrant he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 Bl.Comm. 262.

<sup>5</sup> **CONSTITUTED** - The People of each county have come together to agreed and declared a return to Common Law Juries.

<sup>6</sup> **UNIFIED** - Every county in the state has constituted the Common Law Juries.

<sup>7</sup> **COMMON LAW** - Article VI - This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

<sup>8</sup> **COMMON LAW GRAND JURY** - Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...; The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. UNITED STATES v. WILLIAMS, Jr. 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352

<sup>9</sup> **Article IV Section 4.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

<sup>10</sup> **INVASION.** (Blacks 4th) An encroachment upon the rights of another; the incursion of an army for conquest or plunder. Webster. See /Etna Ins. Co. v. Boon, 95 U.S. 129, 24 L.Ed. 395. CONSTITUTIONAL LIBERTY OR FREEDOM. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution; the aggregate of those personal, civil, and political rights of the individual which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. People v. Hurlbut, 24 Mich. 106, 9 Am.Rep. 103.

<sup>11</sup> **Article VI.** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

to a court of record, which is then required to commence a criminal proceeding. Our Founding Fathers with foresight grafted into the common law Fifth Amendment a "buffer" the People may rely upon for justice, when public officials, including judges go rogue, act in bad behavior and criminally violate the law.<sup>12</sup>

5

## THE PRIME DIRECTIVE

The prime directive<sup>13</sup> ordained by the American People purposed their government to (1) form a more perfect union,<sup>14</sup> (2) establish justice, (3) insure domestic tranquility, (4) provide for the common defense, (5) promote the general welfare, and (6) secure the blessings of liberty to ourselves and our posterity.

10 The subsequent violent felony acts of war by our servants against the aforesaid prime directive (1) debilitates the union of the American People, (2) establishes injustice, (3) undermines domestic tranquility, (4) renders the People vulnerable to foreign and domestic enemies, (5) destabilizes the general welfare, and (6) annihilates the blessings of liberty to ourselves and our posterity.<sup>15</sup>

15 Common-sense can only conclude that there are forces within our servant government conspiring war and subterfuge against the American People by denying the very republican form of government<sup>16</sup> that they took an oath<sup>17</sup> to protect and defend against all enemies foreign and domestic. Thereby it is the duty of all oath-takers to take a stand now, obey and defend the Constitution, and assist the People in arresting and terminating the following unconstitutional acts, by simply obeying the law of the land and acknowledging the unalienable right of the People to self-govern. Therefore judges everywhere are commanded "AGAIN" to obey the law of the land and sign the attached mandamus. The excuse "we are only following orders" did not stand in Nuremberg and it most certainly "will not stand here." To prove our conclusion, let facts be  
20 submitted to a candid world:

- ❖ Our servants have refused Assent to Laws, the most wholesome and necessary for the public good;
- ❖ Our servants have trodden upon the rights of the People;
- ❖ Our servants have passed legislation destructive to the Constitution, forbidden by the same;
- 25 ❖ Our servants have exposed We the People to all the dangers of invasion from without, and subversion from within;
- ❖ Our servants have obstructed the laws for illegal-aliens who are flooding our nation with foreign insurgents some hostile destroying our economy and putting at risk the security of our States;

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<sup>12</sup> **UNITED STATES v. WILLIAMS**, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352; No. 90-1972. Argued Jan. 22, 1992. Decided May 4, 1992.

<sup>13</sup> **Preamble to the Constitution for the United States of America** - We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

<sup>14</sup> A perfect union of states but a "more perfect union" among the People, anti-federalist papers, Bruno.

<sup>15</sup> **Declaration of Independence** - We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

<sup>16</sup> **Article IV Section 4**. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

<sup>17</sup> **Article VI** The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution;

- ❖ Our servants have obstructed the Administration of Justice, by refusing acquiescence to laws established for Judiciary powers;
- ❖ Our servants have transformed judges into chancellors dependent upon the will of the BAR Guild alone, a society of mercenary economic corporate hit men-Esquires<sup>18</sup>, resolute on destroying common law, the foundation of America;
- 5 ❖ Our servants have erected a multitude of 4th Branch administrative agencies unaccountable to the Constitution, and sent hither swarms of corporate administrative, disobedient to the Constitution, revenue and code enforcement officers to harass our people, and eat out their substance;
- ❖ Our servants have kept among us, in times of peace, Standing Armies and excessively militarized local police forces without the Consent of the People;
- 10 ❖ Our servants have joined with foreign bankers to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving assent to their acts of pretended legislation;
- ❖ Our servants are secretly accommodating large bodies of armed foreign troops among us;
- ❖ Our servants have imposed a multiple of property-robbing taxes, direct taxes, fees and fines on us without our Consent;
- 15 ❖ Our servants have deprived us of the benefits of honest Trial by Jury;
- ❖ Our servants have deprived us of the benefits of unrigged Grand Juries;
- ❖ Our servants have transported us into chancery courts to be tried for pretended offences;
- ❖ Our servants have enlarged its boundaries under the guise of District of Columbia (10 mile square federal city) so as to render it at once an example and fit instrument for introducing absolute rule into these States;
- 20 ❖ Our servants have arrogantly disregarded our Bill of Rights, abolishing our most valuable laws, altering fundamentally the Peoples form of government, without consent;
- ❖ Our servants have declared power to legislate through executive order, without consent;
- 25 ❖ Our servants have waged War against us;
- ❖ Our servants have plundered our manufacturing base, ravaged our small businesses and destroyed the lives of our people;
- ❖ Our servants have excited domestic insurrections amongst us;
- ❖ Our servants have engaged in human trafficking of our children and elderly through courts;
- 30 ❖ Our servants have engaged in Racketeering and extortion through our courts;
- ❖ Our servants have held mock trials in courts not of record and thereby unlawfully incarcerating and financially fleecing millions of People, denying due process;
- ❖ Our servants have empanelled bogus puppet grand and petit juries in order to perform BAR will and profiteering;
- 35 ❖ Our servants have stolen our homes in rem and fraud assisting bankers in double-dipping;
- ❖ Our servants have kidnaped our children and destroyed our families in family courts;
- ❖ Our servants have robbed our parents, turned their twilight years into nightmares and destroyed our families in probate court;
- ❖ Our servants have turned our common law courts into chancery courts of injustice;
- 40 ❖ Our servants have put People in debtors prison;

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<sup>18</sup> **ESQUIRE.** In English law. A title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see *Christian v. Ashley County*, 24 Ark. 151; *Corn. v. Vance*, 15 Serg. & R., Pa., 37.

❖ Our servants have transformed our unalienable rights into crimes violating at every stage our Bill of Prohibitions, serving the BAR and not the People:

- Against Amendment I our servants have prohibited the free exercise of Judeo-Christian religion, our servants have denied free speech, our servants have commandeered the press, our servants have denied our right to petition the government for a redress of grievances;
- Against Amendment II our servants have dismantled the Militia and closed our armories, our servants have denied the right of the people to keep and bear arms;
- Against Amendment IV our servants have violated our privacy using bogus warrants, spying on the people, eavesdropping on our conversations and unlawfully maintaining files on the People to be used during the planned unlawful martial law to target dissenters and enslave the People;
- Against Amendment V our servants have accused People in courts not of law incarcerating millions with corrupt Grand Juries and forcing People to witness against themselves, our servants have deprived millions of life, liberty, or property, without due process of law, our servants have seized private property under rem and caprice;
- Against Amendment VI our servants have denied millions of People trials by an impartial jury, our servants have denied assistance of counsel unless they were BAR co-conspirators of the court to stealthily deprive People of their unalienable rights;
- Against Amendment VII our servants have denied suits at common law, our servants have denied trial by jury, our servants have denied the Peoples heritage, common law;
- Against Amendment VIII our servants have imposed excessive bails, fines, cruel and unusual punishments for behaviors that are not crimes;
- Against Amendment IX our servants have denied scores of other unalienable rights retained by the people;
- Against Amendment X our servants have corrupted government at every level and have turned sovereignty of the People into a crime.

At every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. Servants whose character is thus marked by every act which may define a Tyrant, is unfit to be the stewards of a free People; we therefore command you to repent and obey the law of the land or face the wrath of We the People.

## WAR AGAINST THE CONSTITUTION/PEOPLE BY CONGRESS

### *Secret construction of a statutory prison*

The following is by no means an exhaustive list of usurpations by congress and acts of treason against We the People of the united States of America and our decree of 1789 [Constitution for the United States of America]. To list all would take volumes but the foregoing is an accurate representation of a government that has become destructive.

- 1) Suspension of habeas corpus (Reconstruction Act, 1871) in violation of Article I Section 9 (paragraph 2)<sup>19</sup>;

<sup>19</sup> Article I Section 9 paragraph 2 The privilege of the writ of habeas corpus shall not be suspended,

- 2) Reconstituted the United States as a corporate controlled democracy (Reconstruction Act, 1871) **in violation of Article IV Section 4**<sup>20</sup>;
- 3) Creation of the Federal Reserve which provides for foreign bankers to unlawfully control the United States monetary system (Federal Reserve Act, 1913) and eventually unlawfully disbanded the United States Treasury **in violation of Article I Section 8**;
- 4) Granted the President broad sweeping investigative and prosecutorial powers against anyone, including the American people, found by the President to be an enemy thereby giving the President essentially dictatorial powers. (Trading with the Enemy Act, 1917); **in violation of Article IV Section 4**<sup>21</sup>;
- 5) Disbandment of the United States Treasury (1920) **in violation of Article I Section 8**;
- 6) Registration requirements of the People in order to use the People as chattel (collateral) for the federal notes (Townshend Act, 1925) **in violation of Article III Section 3**<sup>22</sup>;
- 7) War against the People of the United States (Trading With the Enemy Act amended, 1933 and Alien Registration Act of 1940) **in violation of Article III Section 3**<sup>23</sup>;
- 8) Numerical Identification System to track and control the Peoples' financial business and to apply an unlawful direct tax (Social Security Act, 1935) **in violation of Article I Section 9**<sup>24</sup>;
- 9) Common law was abrogated (Erie Railroad v Tompkins, 1938) **in violation of Article III Section 2, Article VI, Amendment VII and Amendment V**<sup>25</sup>;
- 10) Immunity to Judges for their crimes (International Organizations Immunities Act, 1945) **in violation of Article II Section 4**<sup>26</sup>;
- 11) Corrupted our Grand Juries through government controls (1946) **in violation of Amendment V**;
- 12) Government spying on the People, empowers the government to deploy unwarranted "dragnets" for massive amounts of information on private citizens; (Patriot Act, 2001) **in violation of Amendment IV**<sup>27</sup>;
- 13) Authorization for government to indefinitely detain American citizens/nationals without probable cause, without warrant, without charges and without due process in law, (National Defense Authorization Act, 2014) **in violation of Amendment V**<sup>28</sup>;

<sup>20</sup> Article IV Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

<sup>21</sup> **Article IV Section 4** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

<sup>22</sup> **Article III Section 3** Treason against the United States shall consist in adhering to their enemies, giving them aid and comfort.

<sup>23</sup> **Article III Section 3** Treason against the United States shall consist in levying war against them.

<sup>24</sup> **Article 1 Section 9** No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

<sup>25</sup> **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States..., Article III Section 2 The trial of all crimes shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; **Article VI** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. **Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law. **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.

<sup>26</sup> **Article II Section 4** The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

<sup>27</sup> **Amendment IV** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

<sup>28</sup> **Amendment V** No person shall be deprived of life, liberty, or property, without due process of law;

- 14) Socialism/communist indoctrination taught in our schools (Common Core) **in violation of the will of the People and Article IV Section 4.**<sup>29</sup>
- 15) 100% control of Peoples movements, food, water, energy and control over the minds of our children (Agenda 21, United Nations passed in 1992 and supported by President George Bush) **in violation of the Constitution for the United States of America, Bill of Rights, Magna Carta and the Holy Bible;**

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• ~~WE THE PEOPLE~~ HEREIN ~~DE~~CEREE ALL UNCONSTITUTIONAL LEGISLATION NULL AND VOID •

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## ~~WAR~~ AGAINST THE ~~PEOPLE~~ BY ~~ADMINISTRATIONS~~

### *Preparation for war by executive legislation*

*“Necessity is the plea for every infringement of human freedom.  
It is the argument of tyrants; it is the creed of slaves”. - William Pitt*

- 15 Most executive orders end with the phrase “these executive orders don’t define what specifically constitutes a national emergency.” The following executive orders are just a few of 1000’s of executive orders, without authority, that are preparing to take full control over the lives of every man, woman and child in America, under the guise of necessity, these provide for:
- 1) Martial law (executive order #100, aka Lieber Code,1863);
  - 20 2) Formation of the FBI (executive order, 1908);
  - 3) Presidential closing of all the banks in the country (executive order, 1933);
  - 4) Presidential confiscation of gold (executive order, 1933);
  - 5) Presidential removed property rights (executive order, 1933);
  - 6) federal seizure of all communications media in the US (executive order #10995);
  - 25 7) federal seizure of all electric power, fuels and minerals both public & private (executive order #10997);
  - 8) federal seizure of all food supplies and resources, both public and private and all farms and equipment, including what people are storing for emergencies in their homes (executive order #10998);
  - 30 9) federal seizure of all means of transportation, including cars, trucks, or vehicles of any kind and total control over all highways, seaports and water ways (executive order #10999);
  - 10) federal seizure of American people for work forces under federal supervision, including the splitting up of families if the government so desires (this happened before in Europe during the Nazi regime) (executive order #11000);
  - 35 11) federal seizure of all health, education and welfare facilities, both public and private (executive order #11001);

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<sup>29</sup> **Preamble** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. **Article IV Section 4.** The United States shall guarantee to every state in this union a republican form of government

- 12) the powers the Postmaster General to register every single person in the US (executive order #11002);
- 13) federal seizure of all airports and aircraft (executive order #11003);
- 14) federal seizure of all housing and finances and authority to establish forced relocation, authority to designate areas to be abandoned as "unsafe," establish new locations for populations, relocate communities, build new housing with public funds (executive order #11004);
- 15) federal seizure of all railroads, inland waterways and storage facilities, both public and private (executive order #11005);
- 16) FEMA's complete authorization to put above said orders into effect in times of increased international tension of economic or financial crisis in case of any declared "National Emergency" (executive order #11051);

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• WE THE PEOPLE HEREIN DECREE ALL EXECUTIVE ORDERS NULL AND VOID •

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## WAR AGAINST THE PEOPLE BY JUDICIARY

**RICO. 18 USC § 1962** - Prohibited activities (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in **the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.**

The Judiciary denies constitutionally constrained courts of Law and operates under the name of equity when in fact People are hijacked unawares into chancery courts,<sup>30</sup> to settle unlawful corporate monetary issues, ruled by Chancellors<sup>31</sup> a/k/a Judges that have been banned in the United States since 1789.<sup>32</sup> The People ordained Law and Equity both of which must adhere to the Law of the Land (common Law) Article VI.<sup>33</sup> The 7<sup>th</sup> Amendment provides for suits at common law.<sup>34</sup> The Fifth Amendment provides for all criminal charges to be by indictment or presentment by a common law grand jury.<sup>35</sup> See United States v Williams.

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• WE THE PEOPLE HEREIN DECREE CHANCERY COURTS NULL AND VOID •

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<sup>30</sup> **COURT OF CHANCERY.** A court having the jurisdiction of a chancellor; a court administering equity and proceeding according to the forms and principles of equity. In England, prior to the judicature acts, the style of the court possessing the largest equitable powers and jurisdiction was the "high court of chancery." In some of the United States, the title "court of chancery" is applied to a court possessing general equity powers, distinct from the courts of common law. *Parmeter v. Bourne*, 8 Wash. 45, 35 P. 586; *Bull v. International Power Co.*, 84 N.J.Eq. 209, 93 A. 86, 88. The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute, so far as conformable to our institutions. *Wagner v. Armstrong*, 93 Ohio St. 443, 113 N.E. 397, 401.

<sup>31</sup> **CHANCELLOR.** (Blacks 4th) In American law, this is the name given in some states to the judge (or the presiding judge) of a court of chancery; The Lord high In England, the highest judicial functionary in the kingdom; He exercises many functions and powers over and above the jurisdiction which he exercises in his judicial capacity in the supreme court of judicature, of which he is the head. *Wharton*.

<sup>32</sup> **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States ...

<sup>33</sup> **Article VI** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

<sup>34</sup> **Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

<sup>35</sup> **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury

## TAKE JUDICIAL COGNIZANCE<sup>36</sup> OF THE ONLY CONSTITUTIONAL POWERS

The “ONLY” lawful powers (21) We the People gave to our legislators are found in Article 1 Section 8.

Whereas Congress shall have power to:

- 1) Tax; *[as defined]*
- 5 2) borrow money;
- 3) regulate *[to make regular]* commerce with foreign nations, and among the several states;
- 4) establish a uniform rule of naturalization;
- 5) uniform bankruptcies laws;
- 6) coin money and fix the standard of weights and measures;
- 10 7) provide for the punishment of counterfeiting;
- 8) establish post offices;
- 9) post roads;
- 10) promote sciences and useful arts;
- 11) constitute tribunals inferior to the Supreme Court;
- 15 12) punish piracies and felonies committed on the high seas;
- 13) declare war;
- 14) grant letters of marque *(A license to a private citizen to seize property of another nation)* and reprisal;
- 15) make rules concerning captures on land and water;
- 16) raise and support armies, and fund no longer term than two years;
- 20 17) provide and maintain a navy;
- 18) make rules for the government and regulation of the land and naval forces;
- 19) provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;
- 20) provide for organizing, arming, and disciplining, the militia;
- 25 21) exercise exclusive legislation in all cases whatsoever, over such District **(not exceeding ten miles square)** the seat of the government of the United States and like authority over forts, magazines, arsenals, dockyards, and other needful buildings;
- 22) make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any
- 30 department or officer thereof.

President(s) was given no powers to legislate by executive order, the “ONLY” lawful powers (9) We the People gave to the President are found in Article II Section 2, whereas the President shall have power to:

- 1) be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States;
- 35 2) require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;

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<sup>36</sup> **JUDICIAL COGNIZANCE.** Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.] Jurisdiction is the authority by which courts and judicial officers take cognizance of and decide cases. [Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62 S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526;]

- 3) by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur;
- 4) nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;
- 5) fill all vacancies that may happen during the recess of the Senate;
- 6) shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient;
- 7) on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them;
- 8) shall receive ambassadors and other public ministers;
- 9) shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The only lawful jurisdiction given to the courts are under law and equity and both jurisdictions are governed by **Article VI** which decrees:

*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

The “ONLY” lawful powers we the People gave to the Judiciary are found in **Article III Section 1&2** whereas the Court’s powers are as follows:

- 1) The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish [*federal district courts*];
- 2) The judges, both of the supreme and inferior courts, shall hold their offices during good behavior;
- 3) The judicial power shall extend to all cases, in law and equity arising under:
  - a. this Constitution;
  - b. the laws of the United States;
  - c. treaties made, or which shall be made, under their authority;
  - d. all cases affecting ambassadors, other public ministers and consuls;
  - e. all cases of admiralty and maritime jurisdiction;
  - f. controversies to which the United States shall be a party;
  - g. controversies between two or more states;
  - h. between a state and citizens of another state;
  - i. between citizens of different states;
  - j. between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens there of, and foreign states, citizens or subjects;
  - k. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party.
- 4) The Supreme Court shall have original jurisdiction in all the other cases before mentioned;
- 5) The Supreme Court shall have appellate jurisdiction, both as to law and fact;



Government servants have been entrusted with the Peoples business and some have abused their power to enslave or sell the American People as cattle. The BAR has beguiled you with power, compartmentalized many, others have turned a blind eye for filthy lucre and some are just useful idiots.

5 Therefore it is conclusive that there are 21 powers given to our legislatures, 9 powers given to the President, 21+ prohibitions and all courts are to act only under common law. Among these powers nowhere can it be found authority from the People to perform any of the aforementioned unconstitutional acts or to create statutes controlling the behavior of the People, private corporation administrative acts and rules, a/k/a corporate charters are ~~HEREIN~~ **DECREED NULL AND VOID**.

10 Judges rest upon fraudulent appellate court rulings and statutes that are repugnant to the Constitution while they convince themselves that by following such statutes they are immune from penalties should the People become aware of their fraud. Take notice we are aware of the fraud and your feeble response is misguided and subject to serious legal consequences should you choose to remain silent and fail to act.

15 Because rights are unalienable, legislators cannot legislate (abolish) them away no matter what the BAR has instructed you. Rights come from God and not man; therefore not even the People can give them up for themselves or others. Once we the People ordained common law the law of the land no man can abrogate it; to claim to do so is an act of war against the People and their God.

20 Unconstitutional acts are not law<sup>38</sup> and no one is bound to obey them.<sup>39</sup> Judges are expected to maintain a high standard of judicial performance<sup>40</sup> and when they violate the Constitution they cease to represent the government,<sup>41</sup> become liable for damages<sup>42</sup> and lose any immunity they may think they have.<sup>43</sup> *"State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights."*<sup>44</sup> *"Decency, security and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen;"*<sup>45</sup> *"Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."*<sup>46</sup> *"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."*<sup>47</sup>

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<sup>38</sup> "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." **Norton vs Shelby County 118 US 425 p. 442**

<sup>39</sup> "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16th American Jurisprudence 2d, Section 177 late 2nd, Section 256**

<sup>40</sup> "Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." **28 USCA 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).**

<sup>41</sup> "...an...officer who acts in violation of the Constitution ceases to represent the government." **Brookfield Co. v Stuart, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)**

<sup>42</sup> "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..." **70 AmJur2nd Sec. 50, VII Civil Liability.**

<sup>43</sup> "Government immunity violates the common law maxim that everyone shall have a remedy for an injury done to his person or property." **Firemens Ins. Co. of Newark, N.J. v. Washburn County, 2 Wisc 2d 214 (1957)**

<sup>44</sup> Gross v. State of Illinois, 312 F 2d 257; (1963)

<sup>45</sup> "Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law...it invites every man to become a law unto himself...and against that pernicious doctrine, this court should resolutely set its face." **Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944.**

<sup>46</sup> Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

<sup>47</sup> Ableman v. Booth, 21 Howard 506 (1859)

Therefore all servants acting in concert under color of law, statute, regulations, and custom that are willfully or ignorantly depriving the People of our unalienable rights and immunities secured and protected by the Constitution for the United States of America are hereby ordered to stand down, correct this matter by signing the attached Mandamus and by such actions we will accept that you are attempting to take responsibility for past abuses and making a good faith effort to amend bad behaviors beginning now and we the People will move forward without looking behind.

Let us remind you that governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right [and duty] of the People to alter it.

10

**WHEREFORE, WE THE PEOPLE BY OUR OWN PREROGATIVE UNDER SEAL COMMAND** the accounting of your Stewardship by Obeying and Answering the following under penalty of perjury:

Answers through counsel are insulting, placing salt upon open wounds and will be determined as non-answers and thereby have been predetermined by the People to be in non-compliance and will result in the issuance of a true bill presentment upon all conspirators, clerks, lawyers and judiciary alike.

Answers by the sending of repugnant forms or the returning of quo warranto have also been predetermined by the People to be in non-compliance and will result in the issuance of a true bill presentment upon both clerk and conspiring judiciary.

All federal judges are COMMANDED to comply and obey the common law as defined under the Article VI paragraph 2 of the common law United States Constitution and its common law capstone Bill of Prohibition [Rights]. You have a duty to speak and act; therefore silence can only be interpreted as complicity with the conspiracy to over throw the Peoples' government of the United States of America.

- i. Failure to preserve, protect and defend the Constitution for the United States Article II Section 1 is to war against the People;
- ii. Failure to secure the blessings of liberty Preamble is to war against the People;
- iii. Failure to repel and protect each state against invasions from within to destroy the Peoples' Republican form of government Article IV Section 4 and Article I Section 8 paragraph 15 is to war against the People.

Every day you resist the will of the People, U.S. Constitution, places Liberty in greater jeopardy and in so doing We the People will hold you responsible and will require compliance to the utmost weight of the highest law, for the domestic enemy of our Republic cannot endure without your support because you alone are holding in the balance Peace or War.

**YOU ARE HEREBY ORDERED:**

- 1) To order all clerks to obey the law by filing and processing all True Bills from common law grand juries as required by law under 18 USC §2076 & §2071;
- 2) All judges are ordered to command all state and federal judges to obey the law of the land as commanded, United States Constitution Article VI paragraph 2;
- 3) All judges are ordered to sign and mail [*to address above*] the attached Mandamus which commands all servants in all courts to cease from obstruction and interference of the Peoples business and access to their courts under 18 USC §1512b;
- 4) All judges are to confirm with the court clerks that this Quo Warranto has been filed as required by 18 USC §2076 & §2071 and a time stamped copy has been mailed to the address above;
- 5) All judges are to produce a certified copy of your constitutional oath of office, as required by Article VI, Paragraph 3 of the Constitution and 5 USC § 3331;
- 6) All judges are to produce affidavits declaring that you did not pay for or otherwise make or promise consideration to secure your office as per 5 USC § 3332;
- 7) All judges are to produce their personal surety bond; and documentation that establishes your complete line of chain of command delegated authority, including all intermediaries, beginning with the President of the United States, or the Governor of the State you claim authority from;
- 8) These documents should all be filed as public records pursuant to 5 USC §2906 for requirements concerning filing oaths. In the event you do not have a personal surety bond, you may provide a copy of your financial statement, which you are required to file annually. Your financial statement will be construed as a private treaty surety bond in the event that you exceed lawful authority.

**YOU ARE COMMANDED, UNDER SEAL** to obey items 1 and 2 and provide within seven (7) calendar days from receipt of this demand by mail; items 3 through 8 to the address above **OR** resign your office immediately. Failure to comply with all the demands of this Writ of Quo Warranto will be an admission of your intentional and willful engagement in RICO and HIGH-TREASON against the People and will be subject to presentments or indictments for immediate removal from office and criminal prosecution for the committing of illicit and on-going crimes in a wheel and chain of conspiracy.

Signed and so ORDERED by the People under SEAL, November 10, 2014:

Grand Jury Foreman

**IN THE UNITED STATES DISTRICT COURT  
FOR \_\_\_\_\_**

\_\_\_\_\_  
\_\_\_\_\_

**WRIT OF MANDAMUS**

The United States District Court for \_\_\_\_\_ district of \_\_\_\_\_ State orders all State, County, City, Town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs to obey the Law of the Land;

**Article VI Clause 2.** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The United States Constitution guarantees to every state in this union and the People thereof, a constitutional republican form of government that the judiciary and all oath takers must obey.

Therefore all State, County, City, Town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs and United States Marshals are so ordered as follows:

- i. All State, County, City, Town, and Village Judges and clerks are to obey the law of the land specifically defined in Article VI Clause 2
- ii. All State, County, City, Town, and Villages Judges and clerks are to obey under penalty of 18 USC §2071, law of the land, are not to conceal, remove, mutilate or misfile any record, proceeding, paper, document, or other thing filed by the Common Law Grand Juries with the court clerk or county clerk.
- iii. All Federal, State, County, City, Town, and Villages Judges and clerks are to obey under penalty of 18 USC §1512, law of the land, are not to alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding; or intimidate, threaten, or corruptly persuades another person to withhold a record, document, or other object, from an official proceeding; or obstructs, influences, or impedes any official proceeding.

- iv. All clerks under penalty of 18 USC §2076, law of the land, are to file and are not to refuse or neglect to make or forward any report, certificate, statement, or document from the common law grand jury and all judges are to act upon them as required by law.
- v. Sheriffs took an oath to support and defend the United States Constitution, consequently as per Article VI clause 2 the Laws of the United States are to be obeyed. Therefore upon command under seal of the 5<sup>th</sup> Amendments Common Law Grand Jury concerning violations, by judges, clerks, prosecutors or any other elected or appointed official of 18 USC § 2071, 18 USC §1512, 18 USC § 2071, 18 USC § 2076 or any other law of the fifty United states of America are to arrest the same for said offences.
- vi. Should the Sheriff fail to perform his duties, upon command under seal of the 5<sup>th</sup> Amendments Common Law Grand Jury concerning said violations the United States Marshal shall arrest the Sheriff and the Under Sheriff shall perform said duties in the Sheriff's stead.
- vii. Finally, the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, no "supervisory" judicial authority exists. It is a constitutional fixture in its own right belonging to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. The grand jury operates in the courthouse and under judicial auspices, operating at arm's length from the judicial branch". The Fifth Amendment's "constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge, unfettered by technical rules. Therefore judges and clerks have no authority to prevent, obstruct or interfere with the peoples' necessary compensation and access into the courts, 18 USC §1512b, in order to operate in the courthouse for the administration of the Common Law Juries.

**SO ORDERED AND ADJUDGED**

**ENTER.**

**DATED:** \_\_\_\_\_

\_\_\_\_\_

~ Seal ~

**SB1050**

Submitted on: 2/25/2015

Testimony for WAM on Feb 27, 2015 13:00PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**SB1050**

Submitted on: 2/25/2015

Testimony for WAM on Feb 27, 2015 13:00PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Pollack	Individual	Support	No

Comments: Aloha I strongly support SB 1050 for Community Solar. Like 97% of people in Hawaii, I believe we need to do everything we can to promote more solar power. Fossil fuels are destabilizing the climate and we need to move to 100% renewables as quickly as possible (and that includes no LNG). But not everyone can put panels on their own roof. Even families that own their own roof have been blocked by our utility company from getting solar. We need the legislature to make Solar power for all, and that includes Community Solar, a priority, so that everyone has access to more solar power. Please pass this bill. Our utility company has systematically worked to kill the solar industry and prevent access to the public to solar energy. We need the legislature to step in and protect the best interests of the community. Sincerely, Sherry Pollack Ahuimanu

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**SB1050**

Submitted on: 2/25/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**SB1050**

Submitted on: 2/26/2015

Testimony for WAM on Feb 27, 2015 13:00PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Thompson	Individual	Support	No

Comments: I support community solar

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I wholeheartedly SUPPORT Community Solar !!!

Wendy Raebeck

2/26/2015

Senate Committee on Ways and Means  
Friday, Feb. 27, 2015, 1pm  
Testimony in strong support of SB 1050

Aloha Chair Tokuda, Vice Chair Kouchi and members of the Ways and Means Committee:

I strongly support Community Solar (HB 484, SB 1050). Like 97% of people in Hawaii, I favor more solar power. With each new solar panel, Hawaii gets cleaner and cheaper energy. But not everyone can put panels on their own roof. We need the legislature to make Community Solar a priority, so that everyone has access to more solar power. Please pass this bill. Power should be on the community's terms—not the utility's.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mattson C. Davis'. The signature is stylized with a large initial 'M' and a long horizontal stroke.

Mattson C. Davis

Aloha Senators of Hawaii,

We all have a opportunity here to put in place the ability to make a positive impact on global warming here. Every time we can implement a renewable source of generating electricity without burning toxic chemicals that pollute everything. We must take advantage of it. This is one of those times. Please support SB1050.

Here on the Big Island we have the open space now to cover hundreds of acres with solar troughs that will super heat salt to make closed loop steam to turn a turban even at night. This is just one additional example of solar technology we can put in place of polluting toxic fossil fuels that supply most of our power state wide..

Aloha Nui Loa

Dana G. Moss  
Kapaau, HI. 96755

Aloha Chair Tokuda, Vice Chair Kouchi and members of the Ways and Means Committee:

I strongly support Community Solar. I cannot produce enough solar on my roof to cover our use due to shading from neighbor's pre-existing trees. I would like to cover all my use through solar and to buy an electric car and power that through solar as well, but it is not possible given where I live.

This Bill will allow me, and others who live in apartments, or rent to do what their conscience dictates and be a part of the solution for climate change, not part of the problem. Please pass this Bill. We voted for you to make our energy policy, not for the Utility company to do so.

Sincerely,

Lisa Marten

**SB1050**

Submitted on: 2/26/2015

Testimony for WAM on Feb 27, 2015 13:00PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angela Huntemer	Individual	Support	No

Comments: I strongly support Community Solar (HB 484, SB 1050). Like 97% of people in Hawaii, I favor more solar power. With each new solar panel, Hawaii gets cleaner and cheaper energy. But not everyone can put panels on their own roof. We need the legislature to make Community Solar a priority, so that everyone has access to more solar power. Please pass this bill. Power should be on the community's terms—not the utility's. Mahalo, Angela Huntemer M Ed, North Shore O'ahu.

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