

SB1096

Measure Title: RELATING TO ON-BILL PROGRAMS.

Report Title: On-bill Financing; On-bill Repayment; Public Utilities Commission; Electric Utilities; Billing and Collections; Tax Exemption

Description: Exempts electric utilities acting as billing and collections agents for an on-bill program from various State taxes and State laws regulating financial institutions, escrow depositories, or collection agencies.

Companion: [HB927](#)

Package: Governor

Current Referral: CPN, WAM

Introducer(s): KIM (Introduced by request of another party)

<u>Sort by Date</u>		Status Text
1/28/2015	S	Introduced.
1/28/2015	S	Passed First Reading.
1/28/2015	S	Referred to CPN, WAM.
1/30/2015	S	The committee(s) on CPN has scheduled a public hearing on 02-04-15 9:00AM in conference room 229.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
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Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Wednesday, February 4, 2015
9:00 a.m.
State Capitol, Conference Room 229

in consideration of
SB 1096
RELATING TO ON-BILL PROGRAMS.

Chair Baker, Vice Chair Taniguchi and Members of the Committee,

The Department of Business, Economic Development & Tourism (DBEDT) supports SB1096 which exempts electric utilities serving as billing and collection agents for an on-bill program from certain state-level revenue taxes and other laws regulating financial institutions.

As a result of Act 211, SLH 2013 (Act 211), DBEDT has completed regulatory and bond issuance processes to implement the Green Energy Market Securitization (GEMS) Program on behalf of the Hawaii Green Infrastructure Authority (HGIA), which is administratively attached to DBEDT. One of the goals of the GEMS Program is to allow underserved customers (renters, non-profits and those who do not meet traditional underwriting requirements) access to financing options so that they, too, can be afforded the benefits of cost-effective renewable energy and energy efficiency.

One of the ways to broaden underwriting criteria to include a broader range of underserved customers is to capitalize on the excellent bill-payment performance of Hawaii utility customers. The same exemptions as requested in this bill were provided to the GEMS Program's Green Infrastructure Charge (GIC), the on-bill charge for the use and services of the GEMS Program in Act 211 (See HRS §269-172(b) and (c)).

As a result of HRS §269-125 and an investigation that on-bill programs were viable, the Public Utilities Commission (PUC) began developing a billing mechanism with the electric utilities for its Hawaii Energy Bill Saver Program. The GEMS Program intends to use the Bill Saver mechanism as the on-bill mechanism for its on-bill charge, and has been granted this request by the PUC in Decision and Order No. 32318 of Docket No. 2014-0135. Therefore, assuring that the PUC's on-bill obligation is treated the same way as GEMS' on-bill charge removes any confusion over the discrepancy in taxation between GEMS' on-bill charge and the Bill Saver on-bill mechanism.

Thank you for the opportunity to offer support for SB 1096.

DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



MARIA E. ZIELINSKI
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To: The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Commerce and Consumer Protection

Date: Wednesday, February 4, 2015
Time: 9:00 a.m.
Place: Conference Room 229, State Capitol

From: Maria E. Zielinski, Director
Department of Taxation

Re: S.B. 1096, Relating to On-Bill Programs

The Department of Taxation supports S.B. 1096, and defers to the Public Utility Commission and Department of Commerce and Consumer Affairs on the merits and the administration of the measure.

S.B. 1096 exempts from state and county taxes the amounts collected by electric utilities for the repayment of on-bill obligations, including the general excise tax under chapter 237, Hawaii Revised Statutes (HRS), the public service company tax under chapter 239, HRS, the public utility fee under section 269-30, HRS, and the public utility franchise tax under chapter 240, HRS.

For the on-bill financing program, electric utilities serve as billing and collection agents in a "pass-through" capacity. S.B. 1096 exempts amounts collected under the on-bill financing program, but would not have any impact on the other fees or taxes imposed on the other amounts received in the normal course of operations by the electric utilities.

Thank you for the opportunity to provide comments.

TESTIMONY OF RANDY Y. IWASE
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII
TO THE
SENATE COMMITTEE ON
COMMERCE & CONSUMER PROTECTION

FEBRUARY 4, 2015
9:00 a.m.

MEASURE: S.B. No. 1096
TITLE: Relating to On-Bill Programs

Chair Baker and Members of the Committee:

DESCRIPTION:

This measure amends Chapter 269, Hawaii Revised Statutes (“HRS”), to ensure that electric utilities acting as billing and collections agents in a purely “pass-through” capacity for any on-bill financing program in the State 1) do not inappropriately incur costs and assessments from Hawaii tax laws and 2) are not otherwise regulated as financial and debt collection organizations operating in the state.

POSITION:

The Commission supports this measure and offers the following comments for the Committee’s consideration.

COMMENTS:

Electric utilities serving as billing and collection agents for any On-bill Program in Hawaii serve in a purely “pass-through” capacity for any and all moneys collected and remitted in an On-bill Program. As such, electric utilities serving as billing and collection agents are not raising revenue from the moneys collected and remitted while participating in an On-bill Program. Levying of revenue-related taxes or requiring other financial regulations on utilities collecting these amounts would create additional costs for the utility. These additional costs could be passed on to ratepayers. This measure would eliminate these additional costs. Therefore, the Commission supports this measure

provided that it is clear that it applies exclusively to electric utilities serving as billing and collection agents in a purely “pass-through capacity”, and that this measure is not intended to apply to any other type of entity or activity.

Thank you for the opportunity to testify on this measure.

TAXBILLSERVICE

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TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, On-bill programs

BILL NUMBER: SB 1096; HB 927 (Identical)

INTRODUCED BY: SB by Kim by request; HB by Souki by request

EXECUTIVE SUMMARY: Provides that the payments of “pass through” expenses, called on-bill obligations, shall not be considered revenue to the electric utilities for purposes of taxation or regulatory laws. For tax purposes, we question why such expenses need special treatment and why the utilities cannot receive the treatment that they seek under existing tax law.

BRIEF SUMMARY: Amends HRS section 269-125 to provide that amounts collected from electric utility customers by electric utilities for the repayment of on-bill obligations shall not be considered revenue of the electric utilities and shall not be subject to state or county taxes, including the general excise tax, the public service company tax, the public utility fee, and the public utility franchise tax.

Serving as an agent to bill and collect the repayment of on-bill obligations shall not cause any electric utility to be subject to the laws that regulate financial institutions, escrow depositories, or collection agencies.

Defines “on-bill obligation” as any costs resulting from the purchase and installation of renewable energy, energy efficiency, or energy conservation systems approved by the PUC for repayment through an on-bill program. An “on-bill program” is any program approved by the PUC that allows for the payment of an electric utility customer for the purchase and installation of renewable energy, energy efficiency, or energy conservation systems as part of the purchasing electric utility customer’s electric utility bill.

EFFECTIVE DATE: Upon approval

STAFF COMMENTS: This is an administration measure submitted by the department of commerce and consumer affairs CCA-11(15). An “on-bill” program administered by an electric utility allows customers of the utility to purchase a renewable energy system, whereby the utility serves as billing and collection agents for such a program and the utility is acting as a “pass through.”

This measure provides that these “on-bill” program collections shall not be considered revenue for an electric utility and exempts the electric utilities from certain state taxes and other laws regulating financial institutions, escrow depositories, or collection agencies.

From a tax standpoint, our existing tax laws already allow for the exclusion or deduction of pure reimbursements, and should allow a utility to escape taxation if all it is doing is billing someone else’s revenue through the utility bills. If the utility is being compensated for the service it is providing the business, such as the seller of the renewable energy system, however, it should be taxed on its revenue like any other business.

Digested 2/2/15

Testimony before the Senate Committee On Commerce and Consumer Protection

**By Eric M. Kashiwamura
Director, New Customer Initiatives
Hawaiian Electric Company**

**Wednesday, February 4, 2015
9:00 a.m., Conference Room 229**

Senate Bill No. 1096 –Relating to On Bill Programs

Chair Baker, Vice Chair Taniguchi, and Members of the Committee

My name is Eric Kashiwamura and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawai'i Electric Light Company and Maui Electric Company (collectively, the "Hawaiian Electric Companies") in strong support of SB 1096.

SB 1096 would amend existing statute to exempt electric utilities serving as billing and collection agents for any on-bill financing program or on-bill repayment program from certain state and county taxes and state laws regulating financial institutions, escrow depositories, or collection agencies. The Hawaiian Electric Companies support the bill for the following reasons:

- The Hawaiian Electric Companies would be serving in a purely pass-through capacity in collecting and remitting customer payments in an on-bill program. The electric utilities would not be raising revenue from payments collected, so exempting such payments from revenue taxes would help to reduce costs that may otherwise be passed on to customers.
- The exemption would also reduce the work necessary to calculate and pay such taxes, which would also help to reduce costs to customers.
- The bill would exempt the Hawaiian Electric Companies from state laws regulating financial institutions, escrow depositories, or collection agencies – laws that were not intended to apply to electric utilities serving in a pass-through capacity in an on-bill program.
- The bill makes changes to on bill financing for consistency with the Green Energy Market Securitization ("GEMS") statute. Customer payments under an on-bill financing program would be given the same exemptions and benefits currently provided to payments under the GEMS program and statute (H.R.S. § 269-172).

Thank you for the opportunity to testify on this matter.

SB1096

Submitted on: 2/2/2015

Testimony for CPN on Feb 4, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
t.masuda	Individual	Oppose	No

Comments: Is this a way to try to let electric utilities seem like less expensive bills? Electric utilities make more money than anyone in Hawaii so they shouldn't be exempt from anyitem. This bill is galling.