

JAN 17 2020

A BILL FOR AN ACT

RELATING TO UTILITY TRANSMISSION LINES.

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

1 SECTION 1. Section 269-27.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§269-27.6 Construction of high-voltage electric
4 transmission lines; overhead or underground construction. (a)
5 Notwithstanding any law to the contrary, and as provided in
6 subsection (b), whenever a public utility applies to the public
7 utilities commission for approval to place, construct, erect, or
8 otherwise build a new 46 kilovolt or greater high-voltage
9 electric transmission system, either above or below the surface
10 of the ground, the public utilities commission shall determine
11 whether the electric transmission system shall be placed,
12 constructed, erected, or built above or below the surface of the
13 ground; provided that in its determination, the public utilities
14 commission shall consider:

- 15 (1) Whether a benefit exists that outweighs the costs of
16 placing the electric transmission system underground;



1 (2) Whether there is a governmental public policy
2 requiring the electric transmission system to be
3 placed, constructed, erected, or built underground,
4 and the governmental agency establishing the policy
5 commits funds for the additional costs of
6 undergrounding;

7 (3) Whether any governmental agency or other parties are
8 willing to pay for the additional costs of
9 undergrounding;

10 (4) The recommendation of the division of consumer
11 advocacy of the department of commerce and consumer
12 affairs, which shall be based on an evaluation of the
13 factors set forth under this subsection; and

14 (5) Any other relevant factors.

15 (b) Notwithstanding the requirements in subsection (a), a
16 public utility shall not be required to seek approval from the
17 public utilities commission to place, construct, erect, or
18 otherwise build a high-voltage electric transmission system, if
19 the electric transmission system is to be built underground and
20 meets the following requirements:



- (1) The entire additional cost due to building underground, rather than above ground, is paid by an entity other than the public utility; and
- (2) Prior to commencing construction, the public utility provides a report to the public utilities commission, with a copy to the consumer advocate, describing in detail the electric transmission system and verifying that additional costs of building underground will be paid by an entity other than the public utility.

~~[(b)]~~ (c) In making the determination set forth in subsection (a), for new 138 kilovolt or greater high-voltage transmission systems, the public utilities commission shall evaluate and make specific findings on all of the following factors:

- (1) The amortized cost of construction over the respective usable life of an above-ground versus underground system;
- (2) The amortized cost of repair over the respective usable life of an above-ground versus underground system;



- (3) The risk of damage or destruction over the respective usable life of an above-ground versus an underground system;
- (4) The relative safety and liability risks of an above-ground versus underground system;
- (5) The electromagnetic field emission exposure from an above-ground versus underground system;
- (6) The proximity and visibility of an above-ground system to:
 - (A) High density population areas;
 - (B) Conservation and other valuable natural resource and public recreation areas;
 - (C) Areas of special importance to the tourism industry; and
 - (D) Other industries particularly dependent on Hawaii's natural beauty;
- (7) The length of the system;
- (8) The breadth and depth of public sentiment with respect to an above-ground versus underground system; and
- (9) Any other factors that the public utilities commission deems relevant.






1 [~~(e)~~] (d) A public utility making an application to the
2 public utilities commission under this section shall clearly and
3 fully state and support its evaluation of each factor set forth
4 in subsection [~~(b)~~] (c)."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.
8

INTRODUCED BY:



S.B. NO. 2655

Report Title:

Public Utilities Commission; High-voltage Electric Transmission Lines; Underground Construction

Description:

Exempts a public utility from seeking approval from the public utilities commission to place, construct, erect, or build a high-voltage electric transmission system under certain circumstances.

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