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# A BILL FOR AN ACT

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RELATING TO UTILITY TRANSMISSION LINES.

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

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

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

- (1) Whether a benefit exists that outweighs the costs of 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        (1) The entire cost due to building underground, rather  
2        than above ground, is paid by an entity as a  
3        contribution in aid of construction; and

4        (2) Prior to commencing construction, the public utility  
5        provides a report to the public utilities commission,  
6        with a copy to the consumer advocate, describing in  
7        detail the electric transmission system and verifying  
8        that additional costs of building underground will be  
9        paid by an entity other than the public utility;  
10       provided that the public utilities commission shall  
11       have sixty days to take action on the report submitted  
12       pursuant to this paragraph, or it shall be assumed  
13       that the public utility may proceed with the project.

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

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



- 1           (2)   The amortized cost of repair over the respective
- 2           usable life of an above-ground versus underground
- 3           system;
- 4           (3)   The risk of damage or destruction over the respective
- 5           usable life of an above-ground versus an underground
- 6           system;
- 7           (4)   The relative safety and liability risks of an above-
- 8           ground versus underground system;
- 9           (5)   The electromagnetic field emission exposure from an
- 10          above-ground versus underground system;
- 11          (6)   The proximity and visibility of an above-ground system
- 12          to:
- 13           (A)   High density population areas;
- 14           (B)   Conservation and other valuable natural resource
- 15           and public recreation areas;
- 16           (C)   Areas of special importance to the tourism
- 17           industry; and
- 18           (D)   Other industries particularly dependent on
- 19           Hawaii's natural beauty;
- 20          (7)   The length of the system;



1           (8)    The breadth and depth of public sentiment with respect  
2                   to an above-ground versus underground system; and  
3           (9)    Any other factors that the public utilities commission  
4                   deems relevant.

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

9           SECTION 2.   Statutory material to be repealed is bracketed  
10 and stricken.   New statutory material is underscored.

11          SECTION 3.   This Act shall take effect upon its approval.



**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. (SD1)

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