



GOV. MSG. NO. 1166

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 23, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 23, 2021, the following bill was signed into law:

HB78 HD1 SD1

RELATING TO THE UNDERGROUND
CONSTRUCTION OF HIGH-VOLTAGE ELECTRIC
TRANSMISSION LINES
ACT 065 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE UNDERGROUND CONSTRUCTION OF HIGH-VOLTAGE
ELECTRIC 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, whenever a public
6 utility applies to the public utilities commission for approval
7 to place, construct, erect, or otherwise build a new 46 kilovolt
8 or greater high-voltage electric transmission system, either
9 above or below the surface of the ground, the public utilities
10 commission shall determine whether the electric transmission
11 system shall be placed, constructed, erected, or built above or
12 below the surface of the ground; provided that in its
13 determination, the public utilities commission shall consider:
14 (1) Whether a benefit exists that outweighs the costs of
15 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) In making the determination set forth in subsection
16 (a), for new 138 kilovolt or greater high-voltage electric
17 transmission systems, the public utilities commission shall
18 evaluate and make specific findings on all of the following
19 factors:



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



- 1 (D) Other industries particularly dependent on
2 Hawaii's natural beauty;
- 3 (7) The length of the system;
- 4 (8) The breadth and depth of public sentiment with respect
5 to an above-ground versus underground system; and
- 6 (9) Any other factors that the public utilities commission
7 deems relevant.
- 8 (c) A public utility making an application to the public
9 utilities commission under this section shall clearly and fully
10 state and support its evaluation of each factor set forth in
11 subsection (b).
- 12 (d) Notwithstanding the requirements under subsections (a)
13 and (b), a public utility shall not be required to seek public
14 utilities commission approval to place, construct, erect, or
15 otherwise build a high-voltage electric transmission system if:
- 16 (1) The electric transmission system is to be built
17 underground;
- 18 (2) The entire cost due to building underground, rather
19 than above-ground, is paid by an entity other than the
20 public utility as a contribution in aid of
21 construction; and



1 (3) Prior to commencing construction, the public utility
2 provides a report to the public utilities commission,
3 with a copy to the consumer advocate, describing in
4 detail the electric transmission system and providing
5 sufficient documentation that affirms that the
6 additional costs of building the electric transmission
7 system underground will be paid by an entity other
8 than the public utility.

9 (e) The public utilities commission shall have sixty days
10 to take action on the report filed pursuant to subsection
11 (d) (3), or it shall be assumed that the public utility may
12 proceed with the project."

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect on July 1, 2021.

APPROVED this 23 day of JUN, 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 78, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 13, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate