
A BILL FOR AN ACT

RELATING TO THE USE OF ELECTRONIC FILING BY THE PUBLIC UTILITIES
COMMISSION.

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

1 SECTION 1. Section 269-5, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§269-5 Annual report and register of orders.** The public
4 utilities commission shall prepare and present to the governor
5 in the month of January in each year a report respecting its
6 actions during the preceding fiscal year. This report shall
7 include summary information and analytical, comparative, and
8 trend data concerning major regulatory issues acted upon and
9 pending before the commission; cases processed by the
10 commission, including their dispositions; utility company
11 operations, capital improvements, and rates; utility company
12 performance in terms of efficiency and quality of services
13 rendered; financing orders issued, adjustments made to the
14 public benefits fee, and repayments or credits provided to
15 electric utility customers pursuant to part X or chapter 196,
16 part IV; a summary of power purchase agreements, including
17 pricing, in effect during the fiscal year; environmental matters



1 having a significant impact upon public utilities; actions of
 2 the federal government affecting the regulation of public
 3 utilities in Hawaii; long and short-range plans and objectives
 4 of the commission; together with the commission's
 5 recommendations respecting legislation and other matters
 6 requiring executive and legislative consideration. [~~Copies~~]
 7 Electronic copies of the annual reports shall be furnished by
 8 the governor to the legislature. In addition, the commission
 9 shall establish and maintain a register of all its orders and
 10 decisions, which shall be open and readily available for public
 11 inspection, and no order or decision of the commission shall
 12 take effect until it is filed and recorded in this register."

13 SECTION 2. Section 269-6.5, Hawaii Revised Statutes, is
 14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) No later than July 1, 2011, the public utilities
 16 commission shall accept from any person who submits a document
 17 to the commission the original [~~and~~] or one electronic copy of
 18 each application, complaint, pleading, brief, or other document
 19 required to be filed with the commission pursuant to this
 20 chapter, and the consumer advocate shall accept service of
 21 one paper [~~copy and one~~] or electronic copy of each application,



1 complaint, pleading, brief, or other document filed with the
2 commission.

3 (b) The commission shall adopt rules pursuant to
4 chapter 91 to effectuate the purposes of this section. Until
5 the final adoption by the commission of rules governing the
6 electronic filing of documents with the commission, the
7 following requirements shall apply to all documents submitted to
8 the commission pursuant to this section; provided that
9 additional requirements with regard to document format may be
10 established by the commission through written guidelines:

11 (1) Unless otherwise required by this chapter or the
12 [~~rules or~~] guidelines of the commission, each person
13 who submits or files an application, complaint,
14 pleading, brief, or other document shall submit to or
15 file with the commission an original [~~and~~] or
16 one electronic copy of each document and shall serve
17 one paper [~~copy and one~~] or electronic copy of each
18 document on the consumer advocate;

19 (2) All paper documents submitted to or filed with the
20 commission shall be printed on one side of the page
21 only and, if practicable, in portrait orientation;



- 1 (3) Original paper documents submitted to or filed with
2 the commission shall not be stapled but shall be
3 clipped together or placed in a clearly marked
4 three-ring binder, as appropriate;
- 5 (4) All paper documents filed or submitted to the
6 commission shall include appropriately labeled
7 separator pages in addition to tabbed dividers, as
8 applicable;
- 9 (5) All confidential documents filed under confidential
10 seal shall be clearly designated in accordance with
11 the requirements of any applicable protective order,
12 and the sealed envelope in which the confidential
13 documents are enclosed shall clearly indicate the
14 appropriate docket number and subject; and
- 15 ~~[(6) Electronic documents shall be submitted on a clearly
16 marked compact disk and shall be in portable document
17 format saved in separate files corresponding to the
18 original paper document submission; provided that
19 electronic documents submitted under confidential seal
20 shall be submitted on a separate compact disk, clearly~~



1 ~~marked as confidential and indicating the appropriate~~
2 ~~docket number and subject; and~~

3 ~~(7)]~~ (6) Electronic documents shall be named using the
4 filing party's name, docket number, date of filing,
5 and name of document as part of the document title.

6 Upon final adoption of rules pursuant to chapter 91, the
7 rules of the commission governing submission or filing of
8 electronic documents shall supersede the provisions of this
9 subsection."

10 SECTION 3. Section 269-7.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) No public utility, as defined in section 269-1, shall
13 commence its business without first having obtained from the
14 commission a certificate of public convenience and necessity.
15 Applications for certificates shall be made in writing, on paper
16 or electronically, to the commission and shall comply with the
17 requirements prescribed in the commission's rules. The
18 application shall include the type of service to be performed,
19 the geographical scope of the operation, the type of equipment
20 to be employed in the service, the name of competing utilities
21 for the proposed service, a statement of its financial ability



1 to render the proposed service, a current financial statement of
2 the applicant, and the rates or charges proposed to be charged
3 including the rules governing the proposed service."

4 SECTION 4. Section 269-15, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§269-15 Commission may institute proceedings to enforce**
7 **chapter.** (a) If the public utilities commission is of the
8 opinion that any public utility or any person is violating or
9 neglecting to comply with any provision of this chapter or of
10 any rule, [~~regulation,~~] order, or other requirement of the
11 commission, or of any provisions of its franchise, charter, or
12 articles of association, if any, or that changes, additions,
13 extensions, or repairs are desirable in its plant or service to
14 meet the reasonable convenience or necessity of the public, or
15 to insure greater safety or security, or that any rates, fares,
16 classifications, charges, or rules are unreasonable or
17 unreasonably discriminatory, or that in any way it is doing what
18 it ought not to do, or not doing what it ought to do, it shall
19 in writing, on paper or electronically, inform the public
20 utility or the person and may institute [~~such~~] proceedings
21 before it, as may be necessary to require the public utility or



1 the person to correct [~~any such~~] the deficiency. [~~In such~~
 2 event, ~~the~~] The commission may, by order, direct the consumer
 3 advocate to appear in [~~such~~] the proceeding[~~7~~] to carry out the
 4 purposes of this section. The commission may examine into any
 5 of the matters referred to in section 269-7, notwithstanding
 6 that the same may be within the jurisdiction of any court or
 7 other body; provided that this section shall not be construed as
 8 in any manner limiting or otherwise affecting the jurisdiction
 9 of [~~any such~~] the court or other body.

10 (b) In addition to any other remedy available, the
 11 commission or its enforcement officer may issue citations to any
 12 person acting in the capacity of or engaging in the business of
 13 a public utility within the State, without having a certificate
 14 of public convenience and necessity or other authority
 15 previously obtained under and in compliance with this chapter or
 16 the rules adopted thereunder.

17 (1) The citation may contain an order of abatement and an
 18 assessment of civil penalties as provided in
 19 section 269-28(c). All penalties collected under this
 20 subsection shall be deposited in the treasury of the
 21 State. Service of a citation issued under this



1 subsection shall be made by personal service whenever
2 possible, or by certified mail, restricted delivery,
3 sent to the last known business or residence address
4 of the person cited.

5 (2) Any person served with a citation under this
6 subsection may submit a written request, on paper or
7 electronically, to the commission for a hearing[7]
8 within twenty days from the receipt of the citation,
9 with respect to the violations alleged, the scope of
10 the order of abatement, and the amount of civil
11 penalties assessed. If the person cited under this
12 subsection timely notifies the commission of the
13 request for a hearing, the commission shall afford an
14 opportunity for a hearing under chapter 91. The
15 hearing shall be conducted by the commission, or the
16 commission may designate a hearings officer to hold
17 the hearing.

18 (3) If the person cited under this subsection does not
19 submit a written request, on paper or electronically,
20 to the commission for a hearing within twenty days
21 from the receipt of the citation, the citation shall



1 be deemed a final order of the commission. The
 2 commission may apply to the appropriate court for a
 3 judgment to enforce the provisions of any final order,
 4 issued by the commission or designated hearings
 5 officer pursuant to this subsection, including the
 6 provisions for abatement and civil penalties imposed.
 7 In any proceeding to enforce the provisions of the
 8 final order of the commission or designated hearings
 9 officer, the commission need only show that the notice
 10 was given, a hearing was held, or the time granted for
 11 requesting the hearing has run without such a request,
 12 and a certified copy of the final order of the
 13 commission or designated hearings officer.

14 (4) If any party is aggrieved by the decision of the
 15 commission or the designated hearings officer, the
 16 party may appeal to the intermediate appellate court,
 17 subject to chapter 602, in the manner provided for
 18 civil appeals from the circuit court; provided that
 19 the operation of an abatement order shall not be
 20 stayed on appeal unless specifically ordered by a
 21 court of competent jurisdiction after applying the



1 stay criteria enumerated in section 91-14(c). The
2 sanctions and disposition authorized under this
3 subsection shall be separate and in addition to all
4 other remedies either civil or criminal provided in
5 any other applicable statutory provision. The
6 commission may adopt rules under chapter 91 as may be
7 necessary to fully effectuate this subsection."

8 SECTION 5. Section 269-16, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (d) to read:

11 "(d) The commission shall make every effort to complete
12 its deliberations and issue its decision as expeditiously as
13 possible and before nine months from the date the public utility
14 filed its completed application; provided that in carrying out
15 this mandate, the commission shall require all parties to a
16 proceeding to comply strictly with procedural time schedules
17 that it establishes. If a decision is rendered after the
18 nine-month period, the commission shall report in writing, on
19 paper or electronically, the reasons therefor to the legislature
20 within thirty days after rendering the decision.



1 Notwithstanding subsection (c), if the commission has not
2 issued its final decision on a public utility's rate application
3 within the nine-month period stated in this section, the
4 commission, within one month after the expiration of the
5 nine-month period, shall render an interim decision allowing the
6 increase in rates, fares and charges, if any, to which the
7 commission, based on the evidentiary record before it, believes
8 the public utility is probably entitled. The commission may
9 postpone its interim rate decision for thirty days if the
10 commission considers the evidentiary hearings incomplete. In
11 the event interim rates are made effective, the commission shall
12 require by order the public utility to return, in the form of an
13 adjustment to rates, fares, or charges to be billed in the
14 future, any amounts with interest, at a rate equal to the rate
15 of return on the public utility's rate base found to be
16 reasonable by the commission, received under the interim rates
17 that are in excess of the rates, fares, or charges finally
18 determined to be just and reasonable by the commission.
19 Interest on any excess shall commence as of the date that any
20 rate, fare, or charge goes into effect that results in the



1 excess and shall continue to accrue on the balance of the excess
2 until returned.

3 The nine-month period in this subsection shall begin only
4 after a completed application has been filed with the commission
5 and a paper or an electronic copy served on the consumer
6 advocate. The commission shall establish standards concerning
7 the data required to be set forth in the application in order
8 for it to be deemed a completed application. The consumer
9 advocate may, within twenty-one days after receipt, object to
10 the sufficiency of any application, and the commission shall
11 hear and determine any objection within twenty-one days after it
12 is filed. If the commission finds that the objections are
13 without merit, the application shall be deemed to have been
14 completed upon original filing. If the commission finds the
15 application to be incomplete, it shall require the applicant to
16 submit an amended application consistent with its findings, and
17 the nine-month period shall not commence until the amended
18 application is filed."

19 2. By amending subsection (f) to read:

20 "(f) Notwithstanding any law to the contrary, for public
21 utilities having annual gross revenues of less than \$2,000,000,



1 the commission may make and amend its rules and procedures to
2 provide the commission with sufficient facts necessary to
3 determine the reasonableness of the proposed rates without
4 unduly burdening the utility company and its customers. In the
5 determination of the reasonableness of the proposed rates, the
6 commission shall:

7 (1) Require the filing of a standard form application to
8 be developed by the commission. The standard form
9 application for general rate increases shall describe
10 the specific facts that shall be submitted to support
11 a determination of the reasonableness of the proposed
12 rates, and require the submission of financial
13 information in conformance with a standard chart of
14 accounts to be approved by the commission, and other
15 commission guidelines to allow expeditious review of a
16 requested general rate increase application;

17 (2) Hold a public hearing as prescribed in
18 section 269-12(c), at which the consumers or patrons
19 of the public utility may present testimony to the
20 commission concerning the increase. The public



1 hearing shall be preceded by proper notice, as
2 prescribed in section 269-12; and
3 (3) Make every effort to complete its deliberations and
4 issue a proposed decision and order within six months
5 from the date the public utility files a completed
6 application with the commission; provided that all
7 parties to the proceeding strictly comply with the
8 procedural schedule established by the commission and
9 no person is permitted to intervene. If a proposed
10 decision and order is rendered after the six-month
11 period, the commission shall report in writing, on
12 paper or electronically, the reasons therefor to the
13 legislature within thirty days after rendering the
14 proposed decision and order. Prior to the issuance of
15 the commission's proposed decision and order, the
16 parties shall not be entitled to a contested case
17 hearing.

18 If all parties to the proceeding accept the
19 proposed decision and order, the parties shall not be
20 entitled to a contested case hearing, and
21 section 269-15.5 shall not apply. If the commission



1 permits a person to intervene, the six-month period
2 shall not apply and the commission shall make every
3 effort to complete its deliberations and issue its
4 decision within the nine-month period from the date
5 the public utility's completed application was filed,
6 pursuant to subsections (b), (c), and (d).

7 If a party does not accept the proposed decision
8 and order, either in whole or in part, that party
9 shall give notice of its objection or nonacceptance
10 within the timeframe prescribed by the commission in
11 the proposed decision and order, setting forth the
12 basis for its objection or nonacceptance; provided
13 that the proposed decision and order shall have no
14 force or effect pending the commission's final
15 decision. If notice is filed, the above six-month
16 period shall not apply and the commission shall make
17 every effort to complete its deliberations and issue
18 its decision within the nine-month period from the
19 date the public utility's completed application was
20 filed as set forth in subsection (d). Any party that
21 does not accept the proposed decision and order under



1 this paragraph shall be entitled to a contested case
2 hearing; provided that the parties to the proceeding
3 may waive the contested case hearing.

4 Public utilities subject to this subsection shall follow
5 the standard chart of accounts to be approved by the commission
6 for financial reporting purposes. The public utilities shall
7 file a certified copy of the annual financial statements in
8 addition to an updated chart of accounts used to maintain their
9 financial records with the commission and consumer advocate
10 within ninety days from the end of each calendar or fiscal year,
11 as applicable, unless this timeframe is extended by the
12 commission. The owner, officer, general partner, or authorized
13 agent of the utility shall certify that the reports were
14 prepared in accordance with the standard chart of accounts."

15 SECTION 6. Section 269-19.5, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) No contract or agreement providing for the furnishing
18 of management, supervisory, construction, engineering,
19 accounting, legal, financial, or similar services, and no
20 contract or agreement for the purchase, sale, lease, furnishing,
21 or exchange of any real or personal property rights, including



1 but not limited to real estate, improvements on land, equipment,
2 leasehold interests, easements, rights-of-way, franchises,
3 licenses, permits, trademarks, and copyrights, made or entered
4 into after July 1, 1988, between a public utility and any
5 affiliated interest shall be valid or effective unless and until
6 the contract or agreement has been received by the commission.
7 It shall be the duty of every public utility to file with the
8 commission a verified paper or electronic copy of any contract
9 or agreement with an affiliate having a face value of at least
10 \$300,000, or a verified summary of any unwritten contract or
11 agreement having a face value of at least \$300,000 within
12 forty-five days of the effective date of the contract or
13 agreement. Each and every contract or agreement between a
14 public utility and an affiliate for capital expenditures, other
15 than for real property or an interest therein, shall be
16 accompanied with price quotations provided by at least
17 two nonaffiliated suppliers, providers, or purveyors, or if
18 [~~such~~] the price quotations cannot be obtained without
19 substantial expense to the utility, [~~that~~] the public utility
20 shall verify that fact by affidavit; provided that all contracts
21 or agreements effective at the time of a general rate



1 proceeding, which were discoverable and subject to review by the
2 commission, shall be valid and not subject to subsequent
3 regulatory review and action by the commission; provided
4 further~~[, however,]~~ that notwithstanding any other provision to
5 the contrary, there shall be no transfer of real property, or
6 interest in real property, between a public utility and an
7 affiliate~~[,]~~ without prior approval of the commission, after
8 hearing, wherein the public utility must show that the transfer
9 is in the best interest of the public utility and all of its
10 customers.

11 No affirmative action is required by the commission ~~in~~
12 ~~regards~~ with regard to the filing of the contract or agreement;
13 provided ~~[however,]~~ that if the commission, in its discretion,
14 determines that the terms and conditions of the contract or
15 agreement to be unreasonable or otherwise contrary to the public
16 interest, the commission shall notify the public utility of its
17 determination, whereupon the public utility shall have the
18 option to alter, revise, amend, or terminate the contract or
19 agreement, or assume the risk that future payments for
20 performance of the contract or agreement will be deemed



1 unreasonable and excluded by the commission for ratemaking
2 purposes."

3 SECTION 7. Section 271-9.5, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) No later than July 1, 2011, the public utilities
6 commission shall accept from any person who submits a document
7 to the commission the original [~~and~~] or one electronic copy of
8 each application, complaint, pleading, brief, or other document
9 required to be filed with the commission pursuant to this
10 chapter, and the consumer advocate shall accept service of
11 one paper [~~copy and one~~] or electronic copy of each application,
12 complaint, pleading, brief, or other document filed with the
13 commission.

14 (b) The commission shall adopt rules pursuant to
15 chapter 91 to effectuate the purposes of this section. Until
16 the final adoption by the commission of rules governing the
17 electronic filing of documents with the commission, the
18 following requirements shall apply to all documents submitted to
19 the commission pursuant to this section; provided that
20 additional requirements with regard to document format may be
21 established by the commission through written guidelines:



- 1 (1) Unless otherwise required by this chapter or the
2 [~~rules or~~] guidelines of the commission, each person
3 who submits or files an application, complaint,
4 pleading, brief, or other document shall submit to or
5 file with the commission an original [~~and~~] or
6 one electronic copy of each document and shall serve
7 one paper [~~copy and one~~] or electronic copy of each
8 document on the consumer advocate;
- 9 (2) All paper documents submitted to or filed with the
10 commission shall be printed on one side of the page
11 only and, if practicable, in portrait orientation;
- 12 (3) Original paper documents submitted to or filed with
13 the commission shall not be stapled but shall be
14 clipped together or placed in a clearly marked
15 three-ring binder, as appropriate;
- 16 (4) All paper documents filed or submitted to the
17 commission shall include appropriately labeled
18 separator pages in addition to tabbed dividers, as
19 applicable;
- 20 (5) All confidential documents filed under confidential
21 seal shall be clearly designated in accordance with



1 the requirements of any applicable protective order,
2 and the sealed envelope in which the confidential
3 documents are enclosed shall clearly indicate the
4 appropriate docket number and subject; and
5 ~~[(6) Electronic documents shall be submitted on a clearly~~
6 ~~marked compact disk and shall be in portable document~~
7 ~~format saved in separate files corresponding to the~~
8 ~~original paper document submission; provided that~~
9 ~~electronic documents submitted under confidential seal~~
10 ~~shall be submitted on a separate compact disk, clearly~~
11 ~~marked as confidential and indicating the appropriate~~
12 ~~docket number and subject; and~~
13 ~~(7)]~~ (6) Electronic documents shall be named using the
14 filing party's name, docket number, date of filing,
15 and name of document as part of the document title.

16 Upon final adoption of rules pursuant to chapter 91, the
17 rules of the commission governing submission or filing of
18 electronic documents shall supersede the provisions of this
19 subsection."

20 SECTION 8. Section 271-10, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§271-10 Reports and decisions of commission. (a)**
2 Whenever the public utilities commission inquires into the
3 operations, operating rights, or rates, or directs inquiry and
4 investigation into motor carrier activities regulated under this
5 chapter, and holds public hearing thereon, it shall make a
6 report in writing, on paper or electronically, in respect
7 thereto, which shall state its findings of fact and conclusions
8 of law, together with its decision, order, or requirement in the
9 premises.

10 (b) All reports issued under subsection (a) shall be
11 entered of record, and a paper or an electronic copy thereof
12 shall be furnished to parties of record in [~~any such~~] the
13 proceeding.

14 (c) The commission may provide for the publication of its
15 reports and decisions in [~~such~~] a form and manner as may be best
16 adapted for public information and use, and these authorized
17 publications shall be competent evidence of the reports and
18 decisions of the commission therein contained in all courts of
19 this State without any further proof or authentication thereof.
20 The commission may also cause to be printed for early
21 distribution its annual reports."



1 SECTION 9. Section 271-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§271-13 Permits for contract carriers by motor vehicle.**

4 (a) Except as otherwise provided in this section and in
5 section 271-16, no person shall engage in the business of a
6 contract carrier by motor vehicle over any public highway in
7 this State unless there is in force, with respect to [such] the
8 carrier, a permit issued by the public utilities commission
9 authorizing the person to engage in this business.

10 (b) Applications for permits shall be made in writing, on
11 paper or electronically, to the commission, be verified under
12 oath, and shall be in [such] a form [and], contain [such] the
13 information, and be accompanied by proof of service upon
14 interested parties, as the commission shall ~~[7]~~ by ~~[regulation,]~~
15 rule require.

16 (c) Subject to section 271-15, a permit shall be issued to
17 any qualified applicant therefor, authorizing in whole or in
18 part the operations covered by the application, if it is found
19 that the applicant is fit, willing, and able ~~[properly]~~ to
20 properly perform the service of a contract carrier by motor
21 vehicle, and to conform to this chapter and the lawful



1 requirements[~~7~~] and rules[~~7~~,~~and regulations~~] of the commission
2 thereunder, and that the proposed operation to the extent
3 authorized by the permit will be consistent with the public
4 interest and the transportation policy declared in this chapter;
5 otherwise, the application shall be denied. In determining
6 whether issuance of a permit will be consistent with the public
7 interest and the transportation policy, the commission shall
8 consider the number of shippers to be served by the applicant,
9 the nature of the service proposed, whether the proposed service
10 can be or is being properly performed by existing common
11 carriers, the effect [~~which~~] that granting the permit would have
12 upon the services of the protesting carriers, the effect [~~which~~]
13 that denying the permit would have upon the applicant's proposed
14 shipper or shippers, and the changing character of shipper
15 requirements; provided[~~7~~,~~however~~,] that a permit shall not be
16 issued in any case where it has been established that an
17 existing common carrier is properly performing[~~7~~] the proposed
18 service. The commission shall specify in the permit the
19 business of the contract carrier covered thereby and the scope
20 thereof, and it shall attach to it at the time of issuance, and
21 from time to time thereafter [~~such~~] the reasonable terms,



1 conditions, and limitations consistent with the character of the
2 holder of the permit as a contract carrier, including terms,
3 conditions, and limitations respecting the person or persons,
4 their names, the number or class thereof for which the contract
5 carrier may perform transportation service, as may be necessary
6 to assure that the business is that of a contract carrier and
7 within the scope of the permit, and to carry out with respect to
8 the operation of the carrier the requirements established by the
9 commission under sections 271-9(a)(2) and 271-9(a)(4). Any
10 permit covering the transportation of passengers may include
11 authority to transport, in the same vehicle with the passengers,
12 baggage of passengers[7] and also authority to transport baggage
13 of passengers in a separate vehicle; provided that within the
14 scope of the permit and any terms, conditions, or limitations
15 attached thereto, the carrier shall have the right to substitute
16 or add to its equipment and facilities as the development of its
17 business may require; and provided further that no motor carrier
18 shall commence operations under any contract carrier authority
19 granted under this section until it has filed with the
20 commission a certified copy or an electronic copy of a written
21 contract or contracts executed with the shipper or shippers for



1 whom the service is authorized in the permit to be provided, the
2 contract or contracts to be bilateral and impose specific
3 obligations upon both carrier and shipper or shippers, and to
4 set forth all terms and conditions of any transportation
5 agreement obtaining between the motor carrier and the shipper or
6 shippers."

7 SECTION 10. Section 271-31, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Complaints may be made~~[7]~~ in writing, on paper or
10 electronically, by the commission on its own motion or by any
11 person or body politic, setting forth any act or thing done, or
12 omitted to be done, by any motor carrier, including any rule,
13 ~~[regulation,]~~ rate, or charge~~[7]~~ heretofore established or fixed
14 by or for any motor carrier, in violation or claimed to be in
15 violation, of any law or of any order or rule of the
16 commission."

17 SECTION 11. Section 271G-7.5, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "(a) No later than July 1, 2011, the public utilities
20 commission shall accept from any person who submits a document
21 to the commission the original ~~[and]~~ or one electronic copy of



1 each application, complaint, pleading, brief, or other document
2 required to be filed with the commission pursuant to this
3 chapter, and the consumer advocate shall accept service of
4 one paper [~~copy and one~~] or electronic copy of each application,
5 complaint, pleading, brief, or other document filed with the
6 commission.

7 (b) The commission shall adopt rules pursuant to
8 chapter 91 to effectuate the purposes of this section. Until
9 the final adoption by the commission of rules governing the
10 electronic filing of documents with the commission, the
11 following requirements shall apply to all documents submitted to
12 the commission pursuant to this section; provided that
13 additional requirements with regard to document format may be
14 established by the commission through written guidelines:

15 (1) Unless otherwise required by this chapter or the
16 [~~rules or~~] guidelines of the commission, each person
17 who submits or files an application, complaint,
18 pleading, brief, or other document shall submit to or
19 file with the commission an original [~~and~~] or
20 one electronic copy of each document and shall serve



- 1 one paper [~~copy and one~~] or electronic copy of each
2 document on the consumer advocate;
- 3 (2) All paper documents submitted to or filed with the
4 commission shall be printed on one side of the page
5 only and, if practicable, in portrait orientation;
- 6 (3) Original paper documents submitted to or filed with
7 the commission shall not be stapled but shall be
8 clipped together or placed in a clearly marked
9 three-ring binder, as appropriate;
- 10 (4) All paper documents filed or submitted to the
11 commission shall include appropriately labeled
12 separator pages in addition to tabbed dividers, as
13 applicable;
- 14 (5) All confidential documents filed under confidential
15 seal shall be clearly designated in accordance with
16 the requirements of any applicable protective order,
17 and the sealed envelope in which the confidential
18 documents are enclosed shall clearly indicate the
19 appropriate docket number and subject; and
- 20 ~~[(6) Electronic documents shall be submitted on a clearly~~
21 ~~marked compact disk and shall be in portable document~~



1 ~~format saved in separate files corresponding to the~~
2 ~~original paper document submission; provided that~~
3 ~~electronic documents submitted under confidential seal~~
4 ~~shall be submitted on a separate compact disk, clearly~~
5 ~~marked as confidential and indicating the appropriate~~
6 ~~docket number and subject; and~~

7 ~~(7)]~~ (6) Electronic documents shall be named using the
8 filing party's name, docket number, date of filing,
9 and name of document as part of the document title.

10 Upon final adoption of rules pursuant to chapter 91, the
11 rules of the commission governing submission or filing of
12 electronic documents shall supersede the provisions of this
13 subsection."

14 SECTION 12. Section 271G-19, Hawaii Revised Statutes, is
15 amended by amending subsections (d) and (e) to read as follows:

16 "(d) Any water carrier, or any officer, agent, employee,
17 or representative thereof, who shall fail or refuse to comply
18 with any provision of this chapter, or any rule, [~~regulation,~~]
19 filed tariff or requirement or order thereunder, shall pay a
20 civil penalty to the State in the sum of not less than \$100[~~7~~]
21 nor more than \$5,000 for each offense[~~7~~] and, in the case of a



1 continuing violation, not to exceed \$5,000 for each additional
2 day during which the failure or refusal continues. A penalty
3 shall become due and payable when the person incurring it
4 receives a notice in writing, on paper or electronically,
5 reasonably describing the violation and advising that the
6 penalty is due.

7 (e) In addition to any other remedy available, the
8 commission or its enforcement officer may issue citations to
9 persons acting in the capacity of or engaging in the business of
10 a water carrier within the State, without having a certificate
11 of public convenience and necessity or other authority
12 previously obtained under and in compliance with this chapter
13 and the rules adopted thereunder.

14 (1) The citation may contain an order of abatement and an
15 assessment of civil penalties of not less than \$100[7]
16 nor more than \$500 for each [~~such~~] offense[7] and, in
17 the case of a continuing violation, not less than \$200
18 nor more than \$500 for each day that uncertified
19 activity continues. All penalties collected under
20 this subsection shall be deposited in the treasury of
21 the State. Service of a citation issued under this



1 subsection shall be made by personal service whenever
2 possible, or by certified mail, restricted delivery,
3 sent to the last known business or residence address
4 of the person cited.

5 (2) Any person served with a citation under this
6 subsection may submit a written request, on paper or
7 electronically, to the commission for a hearing[7]
8 within twenty days from the receipt of the citation,
9 with respect to the violations alleged, the scope of
10 the order of abatement, and the amount of civil
11 penalties assessed. If the person cited under this
12 subsection timely notifies the commission of the
13 request for a hearing, the commission shall afford an
14 opportunity for a hearing under chapter 91. The
15 hearing shall be conducted by the commission, or the
16 commission may designate a hearings officer to hold
17 the hearing.

18 (3) If the person cited under this subsection does not
19 submit a written request, on paper or electronically,
20 to the commission for a hearing within twenty days
21 from the receipt of the citation, the citation shall



1 be deemed a final order of the commission. The
2 commission may apply to the appropriate court for a
3 judgment to enforce the provisions of any final
4 order[~~r~~] issued by the commission or designated
5 hearings officer pursuant to this subsection,
6 including the provisions for abatement and civil
7 penalties imposed. In any proceeding to enforce the
8 provisions of the final order of the commission or
9 designated hearings officer, the commission need only
10 show that the notice was given, a hearing was held, or
11 the time granted for requesting the hearing has run
12 without [~~such~~] a request, and a certified copy of the
13 final order of the commission or designated hearings
14 officer.

- 15 (4) If any party is aggrieved by the decision of the
16 commission or the designated hearings officer, the
17 party may appeal, subject to chapter 602, in the
18 manner provided for civil appeals from the circuit
19 courts; provided that the operation of an abatement
20 order shall not be stayed on appeal unless
21 specifically ordered by a court of competent



1 jurisdiction after applying the stay criteria
2 enumerated in section 91-14(c). The sanctions and
3 disposition authorized under this subsection shall be
4 separate and in addition to all other remedies, either
5 civil or criminal, provided in any other applicable
6 statutory provision. The commission may adopt rules
7 under chapter 91 as may be necessary to fully
8 effectuate this subsection."

9 SECTION 13. The public utilities commission shall conform
10 its electronically filed documents and its electronic filing
11 processes to comply with the Americans with Disabilities Act and
12 all existing federal laws and regulations to ensure equal access
13 for individuals with disabilities.

14 SECTION 14. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 15. This Act shall take effect upon its approval.



H.B. NO. 941
H.D. 1
S.D. 2
C.D. 1

Report Title:

PUC; Electronic Filing

Description:

Allows the public utilities commission to use electronic filing processes and similar practices. Requires the public utilities commission to conform its electronic forms and electronic filing processes to comply with the Americans with Disabilities Act and other federal laws and regulations to ensure equal access for individuals with disabilities. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

