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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
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## Written Comments

### **HCR55**

## **REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE A STUDY ON THE FEASIBILITY OF UNDERGROUNDING THE STATE'S UTILITY FACILITIES**

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the House Committee on Energy & Environmental Protection

Thursday, March 24, 2022, 10:00 a.m.  
Conference Room 325 and Via Video Conference

Chair Lowen and Members of the Committee:

I am Charlotte Carter-Yamauchi, Director of the Legislative Reference Bureau (LRB). Thank you for this opportunity to provide written comments on H.C.R. No. 55, Requesting the Legislative Reference Bureau to Update a Study on the Feasibility of Undergrounding the State's Utility Facilities.

The purpose of this measure is to request the Legislative Reference Bureau to update its 1999 report on the feasibility of undergrounding the State's utility facilities. As part of the update, the measure requests that the Bureau:

- (1) Update and compile a list of the statewide issues and considerations involved in undergrounding the State's utility facilities, including: available alternatives, legal issues, cost apportionment, resource allocation, land use, public safety, civil defense planning, public health, environmental conditions, technological issues, impact on property owners, impact on the tourist industry, aesthetic impressions, and overall impact on quality of life;
- (2) Discuss any relevant changes to federal, state, and county policies, statutes, or ordinances governing the placement of utility facilities that have occurred since the 1999 report was published;

- (3) Update the Bureau's recommendations on factors that the Legislature should consider in evaluating whether to underground the State's existing and proposed utility facilities, including: the conditions under which undergrounding should be carried out, recommendations for obtaining community feedback, and alternative processes that could be used for information gathering and decision making; and
- (4) Consult with appropriate government and private entities, including the Public Utilities Commission; State Departments of Transportation, Defense, and Economic Development and Tourism; State Division of Consumer Advocacy; Mayors of the Counties of Hawaii, Maui, Kauai, and the City and County of Honolulu; Department of Transportation Services for the City and County of Honolulu; Honolulu Neighborhood Commission; Hawaiian Electric; Kauai Island Utility Cooperative; Hawaiian Telcom; AT&T; T-Mobile; Verizon Communications; Charter Communications; Outdoor Circle; Sierra Club of Hawaii; Life of the Land; and representatives of small businesses;

The measure also establishes that the Bureau may make recommendations regarding:

- (1) The advisability of establishing an interagency or interdisciplinary planning group;
- (2) The feasibility of coordinating existing planning resources for both short-term evaluation and long-term implementation; and
- (3) Methods and opportunities for soliciting input from community members and community leaders, including ratepayers, businesses, and members of the state and county governments.

Finally, the measure provides that the Bureau is requested to submit its report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

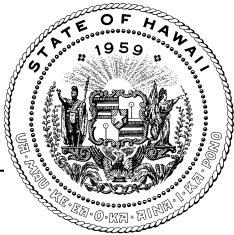
The Bureau takes no position on this measure but submits the following comments for your consideration.

The Bureau notes that the measure purports that, since the issuance of the Bureau's 1999 report on the same topic, ". . . there are new technologies related to both undergrounding and overhead utility lines, making much of the Bureau's report outdated." Upon a review of the 1999 report's recommendations, we note that, with the exception of one recommendation to empower the Public Utilities Commission to require parties before the Commission to participate in some form of alternative dispute resolution, none of the other eight proposed legislative measures recommended by the Bureau were adopted by subsequent legislatures. Most notably included among these recommendations are those

that would have: (1) required the Public Utilities Commission to value the aesthetic benefit of the natural landscape of residential and conservation zoned areas above all else; (2) appropriated funds to the Consumer Advocate to develop measures to quantify the benefits of undergrounding utility lines; and (3) provided a tax incentive or a cost share financing mechanism for the undergrounding of utility lines. Furthermore, the Bureau believes that these unadopted recommendations were not based on time-sensitive facts, but rather proposed a workable framework that remains relevant today to provide the Public Utilities Commission with additional informational and financial incentive/assistance tools it may need to render information-based decisions on such matters in the future.

Consequently, the Bureau does not believe that its 1999 report needs to be updated. The Bureau notes that the Public Utilities Commission still possesses the power, as it did back in 1999, to require the undergrounding of utility lines, and that if the Legislature wishes to adopt any of the Bureau's 1999 legislative recommendations that have not yet been adopted, the Bureau would be happy to update and redraft the proposed legislative measures for submittal in the 2023 Regular Session.

Thank you again for the opportunity to submit written comments.



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Testimony of  
**SCOTT J. GLENN, Chief Energy Officer**

before the  
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

Thursday, March 24, 2022  
Time 10:00 AM  
State Capitol, Conference Room 325 & Videoconference

## COMMENTS HCR 55

### **REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE A STUDY ON THE FEASIBILITY OF UNDERGROUNDING THE STATE'S UTILITY FACILITIES.**

Chair Lowen, Vice Chair Marten, and Members of the Committee, the Hawai'i State Energy Office (HSEO) offers comments on HCR 55, which requests the Legislative Reference Bureau (LRB) to update a study on the feasibility of undergrounding the state's utility facilities.

HSEO requests consideration to be a consulted member of the LRB study. Per §196-71, Hawai'i Revised Statutes, the statutory purpose of the HSEO shall be to promote energy efficiency, renewable energy, and clean transportation to help achieve a resilient clean energy economy. As part of that responsibility, the HSEO provides analysis and planning to actively develop and inform policies to achieve energy efficiency, renewable energy, energy resiliency, and clean transportation goals with the legislature, public utilities commission, state agencies, and other relevant stakeholders. The HSEO also serves as the primary and coordinating agency for State Emergency Support Function 12, Energy, maintaining situational awareness through coordination between local, state, federal, and energy industry partners. HSEO has responsibilities for resiliency and energy security in both the planning and response functions and is ready to support an update to the study on the feasibility of undergrounding the state's utility facilities.

HSEO defers to relevant agencies on the administrative and fiscal impacts of the resolution.

Thank you for the opportunity to testify.