

JAN 25 2023

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# 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. The purpose of this Act is to authorize the  
2 electronic filing of documents by and with the public utilities  
3 commission.

4           SECTION 2. Section 269-6.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "§269-6.5 Electronic copies of documents. (a) No later  
7 than July 1, 2011, the public utilities commission shall accept  
8 from any person who submits a document to the commission the  
9 original or one electronic copy of each application, complaint,  
10 pleading, brief, or other document required to be filed with the  
11 commission pursuant to this chapter, and the consumer advocate  
12 shall accept service of one paper or electronic copy of each  
13 application, complaint, pleading, brief, or other document filed  
14 with the commission.

15           (b) The commission shall adopt rules pursuant to chapter  
16 91 to effectuate the purposes of this section. Until the final  
17 adoption by the commission of rules governing the electronic

1 filing of documents with the commission, the following  
2 requirements shall apply to all documents submitted to the  
3 commission pursuant to this section; provided that additional  
4 requirements with regard to document format may be established  
5 by the commission through written guidelines:

6 (1) Unless otherwise required by this chapter or the  
7 guidelines of the commission, each person who submits  
8 or files an application, complaint, pleading, brief,  
9 or other document shall submit to or file with the  
10 commission an original or one electronic copy of each  
11 document and shall serve one paper or electronic copy  
12 of each document on the consumer advocate;

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

16 (3) Original paper documents submitted to or filed with  
17 the commission shall not be stapled but shall be  
18 clipped together or placed in a clearly marked three-  
19 ring binder, as appropriate;

20 (4) All paper documents filed or submitted to the  
21 commission shall include appropriately labeled

1 separator pages in addition to tabbed dividers, as  
2 applicable;

3 (5) All confidential documents filed under confidential  
4 seal shall be clearly designated in accordance with  
5 the requirements of any applicable protective order,  
6 and the sealed envelope in which the confidential  
7 documents are enclosed shall clearly indicate the  
8 appropriate docket number and subject; and

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

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

16 (c) No later than July 1, 2013, the public utilities  
17 commission shall accept any application, complaint, pleading,  
18 brief, or other document required to be filed with the  
19 commission pursuant to this chapter as either a paper document  
20 or an electronic document.

21 (d) If a signature is required on any document submitted  
22 electronically pursuant to this section, that requirement shall

1 be satisfied by the inclusion of an electronic signature.  
2 Chapter 489E shall apply to all electronic documents submitted  
3 pursuant to this section.

4 (e) Communications, correspondence, and service of orders  
5 and other official documents shall be made upon the public  
6 utility, complainant, and any other party at the last recorded  
7 mailing or email address on file with the commission. Proof of  
8 service by certified or registered mail or by electronic  
9 transmission to the last known mailing or email address shall  
10 constitute a valid service of any communication, correspondence,  
11 order, or other official document.

12 (f) A document filed by electronic means shall be  
13 equivalent to an original document for the purposes of this  
14 chapter. For the purposes of this chapter, "document" includes  
15 but is not limited to any application, complaint, pleading,  
16 brief, answer, motion, memorandum, declaration, exhibit,  
17 certificate of service, and other papers filed by or with the  
18 commission."

19 SECTION 3. Section 271-9.5, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "§271-9.5 **Electronic copies of documents.** (a) No later  
22 than July 1, 2011, the public utilities commission shall accept

1 from any person who submits a document to the commission the  
2 original or one electronic copy of each application, complaint,  
3 pleading, brief, or other document required to be filed with the  
4 commission pursuant to this chapter, and the consumer advocate  
5 shall accept service of one paper or electronic copy of each  
6 application, complaint, pleading, brief, or other document filed  
7 with the commission.

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

16 (1) Unless otherwise required by this chapter or the  
17 guidelines of the commission, each person who submits  
18 or files an application, complaint, pleading, brief,  
19 or other document shall submit to or file with the  
20 commission an original or one electronic copy of each  
21 document and shall serve one paper or electronic copy  
22 of each document on the consumer advocate;

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

21          Upon final adoption of rules pursuant to chapter 91, the  
22 rules of the commission governing submission or filing of

1 electronic documents shall supersede the provisions of this  
2 subsection.

3 (c) No later than July 1, 2013, the public utilities  
4 commission shall accept any application, complaint, pleading,  
5 brief, or other document required to be filed with the  
6 commission pursuant to this chapter as either a paper document  
7 or an electronic document.

8 (d) If a signature is required on any document submitted  
9 electronically pursuant to this section, that requirement shall  
10 be satisfied by the inclusion of an electronic signature.

11 Chapter 489E shall apply to all electronic documents submitted  
12 pursuant to this section.

13 (e) For the purposes of this chapter, "document" includes  
14 but is not limited to any application, complaint, pleading,  
15 brief, answer, motion, memorandum, declaration, exhibit,  
16 certificate of service, and other papers filed by or with the  
17 commission."

18 Section 4. Section 271-26.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§271-26.5[+] **Change of address; responsibility;**  
21 **service of [~~orders-~~] documents.** A motor carrier shall have,  
22 maintain and operate from a definite place of business in the

1 State and shall display therein the certificate or permit issued  
2 by the public utilities commission. The certificate or permit  
3 holder shall report any change of address or telephone number to  
4 the commission within five business days from such change.  
5 Communications, correspondence, and service of orders and other  
6 official documents shall be made upon the [~~certificate or permit~~  
7 ~~holder~~] motor carrier, complainant, and any other party at the  
8 last recorded mailing or email address on file with the  
9 commission. Proof of service by certified or registered mail or  
10 by electronic transmission to the last known mailing or email  
11 address shall constitute a valid service of any commission's  
12 order."

13 Section 5. Section 271G-8, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§271G-7.5 **Electronic copies of documents.** (a) No later  
16 than July 1, 2011, the public utilities commission shall accept  
17 from any person who submits a document to the commission the  
18 original or one electronic copy of each application, complaint,  
19 pleading, brief, or other document required to be filed with the  
20 commission pursuant to this chapter, and the consumer advocate  
21 shall accept service of one paper or electronic copy of each

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

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

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

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

21 (3) Original paper documents submitted to or filed with  
22 the commission shall not be stapled but shall be

1           clipped together or placed in a clearly marked three-  
2           ring binder, as appropriate;

3           (4) All paper documents filed or submitted to the  
4           commission shall include appropriately labeled  
5           separator pages in addition to tabbed dividers, as  
6           applicable;

7           (5) All confidential documents filed under confidential  
8           seal shall be clearly designated in accordance with  
9           the requirements of any applicable protective order,  
10          and the sealed envelope in which the confidential  
11          documents are enclosed shall clearly indicate the  
12          appropriate docket number and subject; and

13          (6) Electronic documents shall be named using the filing  
14          party's name, docket number, date of filing, and name  
15          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          (c) No later than July 1, 2013, the public utilities  
21          commission shall accept any application, complaint, pleading,  
22          brief, or other document required to be filed with the

1 commission pursuant to this chapter as either a paper document  
2 or an electronic document.

3 (d) If a signature is required on any document submitted  
4 electronically pursuant to this section, that requirement shall  
5 be satisfied by the inclusion of an electronic signature.

6 Chapter 489E shall apply to all electronic documents submitted  
7 pursuant to this section.

8 (e) Communications, correspondence, and service of orders  
9 and other official documents shall be made upon the water  
10 carrier, complainant, and any other party at the last recorded  
11 mailing or email address on file with the commission. Proof of  
12 service by certified or registered mail or by electronic  
13 transmission to the last known mailing or email address shall  
14 constitute a valid service of any communication, correspondence,  
15 order, or other official document.

16 (f) For the purposes of this chapter, "document" includes  
17 but is not limited to any application, complaint, pleading,  
18 brief, answer, motion, memorandum, declaration, exhibit,  
19 certificate of service, and other papers filed by or with the  
20 commission."

21 Section 6. Section 271G-8, Hawaii Revised Statutes, is  
22 amended to read as follows:

1           " [†] §271G-8 [†] **Reports and decisions of commission.**  
2 Whenever the public utilities commission inquires into the  
3 operations, operating rights, rates, safety of operations, or  
4 directs inquiry and investigation into water carrier activities  
5 regulated under this chapter, and holds public hearing thereon,  
6 it shall make a report in writing, on paper or an electronic  
7 copy, in respect thereto, which shall state its findings of fact  
8 and conclusions of law, together with its decision, order, or  
9 requirement in the premises. The provisions of chapter 91 shall  
10 apply."

11           SECTION 7. Section 271G-19, Hawaii Revised Statutes, is  
12 amended by amending subsection (e) to read as follows:

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

20           (1) The citation may contain an order of abatement and an  
21 assessment of civil penalties of not less than \$100  
22 nor more than \$500 for each offense and, in the case

1 of a continuing violation, not less than \$200 nor more  
2 than \$500 for each day that uncertified activity  
3 continues. All penalties collected under this  
4 subsection shall be deposited in the treasury of the  
5 State. Service of a citation issued under this  
6 subsection shall be made by personal service [~~whenever~~  
7 ~~possible~~], electronic service, or by certified mail,  
8 restricted delivery, sent to the last known business,  
9 [~~or~~] residence, or email address of the person cited.

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

- 1           (3) If the person cited under this subsection does not  
2           submit a written request, on paper or electronically,  
3           to the commission for a hearing within twenty days  
4           from the receipt of the citation, the citation shall  
5           be deemed a final order of the commission. The  
6           commission may apply to the appropriate court for a  
7           judgment to enforce the provisions of any final order  
8           issued by the commission or designated hearings  
9           officer pursuant to this subsection, including the  
10          provisions for abatement and civil penalties imposed.  
11          In any proceeding to enforce the provisions of the  
12          final order of the commission or designated hearings  
13          officer, the commission need only show that the notice  
14          was given, a hearing was held, or the time granted for  
15          requesting the hearing has run without a request, and  
16          a certified copy of the final order of the commission  
17          or designated hearings officer.
- 18          (4) If any party is aggrieved by the decision of the  
19          commission or the designated hearings officer, the  
20          party may appeal, subject to chapter 602, in the  
21          manner provided for civil appeals from the circuit  
22          courts; provided that the operation of an abatement

S.B. NO. 1327

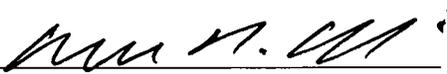
1 order shall not be stayed on appeal unless  
 2 specifically ordered by a court of competent  
 3 jurisdiction after applying the stay criteria  
 4 enumerated in section 91-14(c). The sanctions and  
 5 disposition authorized under this subsection shall be  
 6 separate and in addition to all other remedies, either  
 7 civil or criminal, provided in any other applicable  
 8 statutory provision. The commission may adopt rules  
 9 under chapter 91 as may be necessary to fully  
 10 effectuate this subsection."

11 SECTION 8. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 9. This Act shall take effect upon its approval.

14

15

INTRODUCED BY: 

16

BY REQUEST

S.B. NO. 1321

**Report Title:**

Public Utilities Commission; Documents; Electronic Filing

**Description:**

Authorizes the Public Utilities Commission to use electronic filing processes, including electronic service of documents, to conform to the provisions of chapters 269, 271, and 271G, Hawaii Revised Statutes, and current practices.

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

JUSTIFICATION SHEET

**SB. NO. 1327**

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE USE OF ELECTRONIC FILING BY THE PUBLIC UTILITIES COMMISSION

PURPOSE: Authorizes the Public Utilities Commission (PUC) to use electronic filing processes, including service of process by electronic means, relating to all documents filed by and with the PUC.

MEANS: Amend sections 269-6.5; 271-9.5; 271-26.5; 271G-7.5; 271G-8; and 271G-19(e), Hawaii Revised Statutes.

JUSTIFICATION: Pursuant to Act 72, Session Laws of Hawaii (SLH) 2021, the PUC was authorized to use electronic filing processes. This measure makes various housekeeping amendments to fully authorize electronic filing and accompanying electronic transmission of service of process by the PUC and parties within its jurisdiction. This will build upon Act 72, SLH 2021, to fully conform the PUC's statute to current practices initially implemented in response to the COVID-19 pandemic and subsequently enacted into law.

Impact on the public: This measure will allow the PUC to continue to provide essential services to the public, regulated utilities, and other stakeholders. It will also allow the public to file documents more easily with the PUC by fully integrating electronic filing to conform the law to current practices and procedures.

Impact on the department and other agencies: This bill will enable the PUC to fully integrate intended improvements to permanently implement electronic filing processes and procedures with respect to documents filed by and with the PUC across all regulated entities. This measure will

# SB. NO. 1327

also allow the PUC to continue to operate more efficiently and use fewer resources to complete essential tasks, as it conforms the law to current practices implemented during the COVID-19 pandemic that have successfully continued since. Additionally, these changes would benefit other stakeholders that interact with the PUC, including the Department of Commerce and Consumer Affairs' Division of Consumer Advocacy, regulated entities, and members of the public.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: CCA-901.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.