

Honolulu, Hawaii

APR 21 2023

RE: H.C.R. No. 41
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.C.R. No. 41 entitled:

"HOUSE CONCURRENT RESOLUTION URGING THE PUBLIC UTILITIES COMMISSION TO REEVALUATE AND ADOPT ADMINISTRATIVE RULES RELATING TO THE REMOVAL OF ABANDONED OR DOUBLE UTILITY POLES, LINES, AND EQUIPMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Urge the Public Utilities Commission to reevaluate and adopt administrative rules relating to the removal of abandoned lines, double poles, and equipment; and
- (2) Request the Public Utilities Commission to adopt updated provisions of the National Electrical Safety Code to streamline the removal of double poles and other unsafe abandoned equipment.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs Division of Consumer Advocacy and one individual. Your Committee received comments on this measure from the Public Utilities Commission, Hawaiian Electric, and Hawaiian Telcom.



Your Committee finds that the Public Utilities Commission (PUC) regulates all chartered, franchised, certificated, and registered public utility companies operating in the State. The 2002 edition of the National Electrical Safety Code, adopted by the PUC, states that "[l]ines and equipment permanently abandoned shall be removed or maintained in a safe condition." Your Committee finds that when a new utility pole is installed adjacent to an existing utility pole for the purpose of transferring electric, telephone, cable, or other wires from one pole to another, the original pole is often left in place, resulting in what is referred to as double poles. There are thousands of derelict utility poles, double poles, and utility lines abandoned across Hawaii neighborhoods. The removal of unnecessary and unsightly derelict lines and poles will eliminate potential public hazards, organize communication and utility pole lines, and favorably influence the surrounding community. This measure therefore requests the PUC to adopt provisions of the National Electrical Safety Code in order to expedite the removal of unused poles.

Your Committee notes the concerns raised in testimony that administrative rule making can be a lengthy process and that opening a new proceeding to address the issue of double poles would be more expedient. Accordingly, amendments to this measure are necessary to address these concerns.

Therefore, your Committee has amended this measure by:

- (1) Replacing language urging the PUC to adopt administrative rules relating to the removal of abandoned lines, double poles, and equipment with language urging the PUC to open a new proceeding relating to the removal of abandoned lines, double poles, and equipment;
- (2) Deleting language urging the PUC to adopt updated provisions of the National Electrical Safety code;
- (3) Inserting language requesting the PUC to submit a status report of the new proceeding to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024;



- (4) Amending its title to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 41, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 41, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

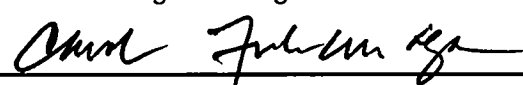


JARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HCR 41	Committee Referral: CPN	Date: 4/19/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes