
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 " [f] §271G-8 [f] 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

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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

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INTRODUCED BY: 

16

BY REQUEST

JAN 23 2023

H .B. NO. 1029

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

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

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.