
A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

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

1 SECTION 1. Chapter 269, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§269- Telecommunications providers to notify of
5 deenergization of electrical lines. (a) In preparation for
6 receiving notifications regarding the deenergization of
7 electrical lines, all facilities-based mobile telecommunications
8 service providers shall:

9 (1) Designate contact points or persons within the company
10 to receive notifications from an electric utility for
11 expected deenergization of electrical lines; and

12 (2) Develop uniform protocols prior to a deenergization
13 event to respond appropriately to an outage.

14 (b) Upon receipt of a notification regarding the
15 deenergization of electrical lines, a facilities-based mobile
16 telecommunications service provider shall communicate relevant
17 information relating to the deenergization of electrical lines



1 to public safety or emergency response offices for the affected
2 areas.

3 §269- Electric utility companies; wildfire mitigation

4 plan. (a) Each electric utility in the State shall construct,
5 maintain, and operate the utility's electrical lines and
6 equipment in a manner that shall minimize the risk of
7 catastrophic wildfire posed by the electrical lines and
8 equipment.

9 (b) The commission may periodically convene community
10 outreach meetings for the purpose of helping electric utilities
11 identify, adopt, and carry out best practices regarding
12 wildfires, including but not limited to risk-based wildfire
13 protection and risk-based wildfire mitigation procedures and
14 standards.

15 (c) An electric utility shall adopt, and operate in
16 compliance with, a risk-based wildfire mitigation plan that is
17 filed with the commission and evaluated and approved by the
18 commission. The plan shall be based on reasonable and prudent
19 practices and on commission standards as adopted by rule. The
20 electric utility shall design the plan in a manner that seeks to



1 protect public safety, reduce risk to utility customers, and
2 promote electrical system resilience to wildfire damage.

3 (d) An electric utility shall submit, and annually update
4 a risk-based wildfire mitigation plan on a schedule as
5 determined by the commission. The plan shall, at a minimum:

6 (1) Identify areas that are subject to a heightened risk
7 of wildfire;

8 (2) Identify a means for mitigating wildfire risk that
9 reflects a reasonable balancing of mitigation costs
10 with the resulting reduction of wildfire risk;

11 (3) Identify preventive actions and programs that the
12 electric utility shall carry out to minimize the risk
13 of utility facilities causing a wildfire;

14 (4) After seeking input from relevant governmental
15 entities, identify a protocol for the deenergizing of
16 power lines and adjusting of power system operations
17 to mitigate wildfires, promote the safety of the
18 public and first responders, and preserve health and
19 communication infrastructure, which shall include:

20 (A) Protocols for deenergizing electrical lines that
21 consider the associated impacts on public safety,



1 including protocols related to mitigating the
2 public safety impacts on critical first
3 responders and health and communication
4 infrastructures;

5 (B) Procedures for notifying a customer who may be
6 impacted by the deenergizing of electrical lines;

7 (C) Procedures for notifying public safety offices,
8 critical first responders, health care
9 facilities, and telecommunications service

10 providers who are within the deenergizing areas
11 about the deenergizing of electrical lines; and

12 (D) Protocols for deenergizing electrical lines when
13 the deenergization may impact customers or
14 entities who are dependent on the infrastructure;

15 (5) Describe the procedures, standards, and time frames
16 that the electric utility will use to inspect utility
17 infrastructure in areas that the electric utility
18 identifies under paragraph (1);

19 (6) Describe the procedures, standards, and time frames
20 that the electric utility will use to carry out



1 vegetation management in areas that the electric
2 utility identifies under paragraph (1);
3 (7) Identify the estimated development, implementation,
4 and administration costs for the plan;
5 (8) Identify the community outreach and public awareness
6 efforts that the electric utility will use with
7 respect to wildfires; and
8 (9) Identify the timelines, as applicable, for
9 development, implementation, and administration of any
10 aspects of the plan.
11 (e) Not more than days after an electric
12 utility files a plan or plan update, the commission shall
13 approve, approve with conditions on the plan, or update the plan
14 if the commission finds that the plan or update is based on
15 reasonable and prudent practices and designed to meet all
16 applicable rules and standards adopted by the commission. The
17 commission may, in approving the plan or updating with
18 conditions, make modifications or updates to the plan that it
19 believes represent a reasonable balancing of mitigation costs
20 with the resulting reduction of wildfire risk. The commission
21 shall issue a decision explaining any modifications at the time



1 it approves the plan. The commission may consult with and
2 consider information from governmental entities, including
3 counties, as well as other industry organizations; provided that
4 the commission identifies the nature of the consultation in its
5 decision.

6 (f) The commission may adopt rules for the implementation
7 of this section. The rules may include procedures and standards
8 regarding vegetation management, public power safety shutoffs
9 and restorations, pole materials, circuitry, and monitoring
10 systems.

11 (g) In its decision pursuant to subsection (e), the
12 commission shall determine the reasonable costs to develop,
13 implement, and administer the plan and shall authorize the
14 electric utility to recover the costs in rates. The commission
15 shall establish a method to allow timely recovery of the costs
16 it authorizes for recovery. The commission shall assess these
17 costs on a statewide basis based on the development,
18 implementation, and administration costs for the plan; provided
19 that the commission shall not assess the costs based on the
20 utility service territory that is particularly affected by any



1 aspect of the plan. The electric utility shall track the costs
2 it incurs to develop, implement, and administer the plan.

3 In its submission under subsection (d), the electric
4 utility shall report on the costs as actually incurred for the
5 most recent past period for which the information is
6 available. If the actual costs are:

7 (1) Less than the amounts the commission determined were
8 reasonable in its decision under subsection (e), the
9 commission shall direct the electric utility to refund
10 or credit the costs to ratepayers; and

11 (2) Equal to or greater than the amounts the commission
12 determined were reasonable in its decision under
13 subsection (e), then the commission shall not direct
14 the electric utility to refund to ratepayers the
15 amount the commission previously determined was
16 reasonable, but may disallow the recovery from
17 ratepayers of any additional costs the commission
18 finds were unreasonable. In connection with any
19 review:

20 (A) Actual costs that are not more than fifteen per
21 cent greater than the costs the commission



1 previously determined were reasonable shall be
2 presumed prudent and authorized for recovery from
3 ratepayers absent proof by clear and convincing
4 evidence that the costs were unreasonable; and
5 (B) The electric utility shall have the burden of
6 proving the reasonableness of actual costs that
7 are more than fifteen per cent greater than the
8 costs the commission previously determined were
9 reasonable.

10 (h) For the purposes of this section:

11 "Commission" means the public utilities commission.

12 "Electric utility" means a public utility that exists for
13 the furnishing of electric power.

14 "Plan" means the risk-based wildfire mitigation plan
15 described in subsection (d)."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2040.



Report Title:

PUC; Wildfires; Deenergizing Electrical Lines; Notification;
Telecommunications; Electric Utilities; Mitigation Plan;
Rulemaking

Description:

Requires all telecommunications service providers to communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas. Requires all electric utilities to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment. Requires each electric utility to prepare a wildfire mitigation plan approved by the Public Utilities Commission and protocols for deenergizing electrical lines. Allows the Public Utilities Commission to adopt rules. Takes effect 7/1/2040. (SD2)

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

