
A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

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

1 SECTION 1. Section 269-19, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§269-19 Merger and consolidation of public utilities.

4 (a) Except as provided in subsection (b), no public utility
5 shall sell, lease, assign, mortgage, or otherwise dispose of or
6 encumber the whole or any part of its road, line, plant, system,
7 or other property necessary or useful in the performance of its
8 duties to the public, or any franchise or permit, or any right
9 thereunder, nor by any means, directly or indirectly, merge or
10 consolidate with any other public utility without first having
11 secured from the public utilities commission an order
12 authorizing it so to do. Every [~~such~~] sale, lease, assignment,
13 mortgage, disposition, encumbrance, merger, or consolidation,
14 made other than in accordance with the order of the commission
15 shall be void.

16 (b) A public utility, under circumstances that it deems
17 exigent and in its judgment require a response that rapidly



1 restores one of its customers to normal, or near normal,
2 operating status in order to prevent serious disruption of
3 essential public services, or avoid serious risk to public
4 safety, or to mitigate severe economic losses to that customer,
5 may transfer, assign, or otherwise dispose of its property
6 without prior approval from the public utilities commission as
7 required in subsection (a); provided that in so doing:

8 (1) The public utility does not unduly hinder or degrade
9 the public utility's operation with respect to its
10 services or other customers;

11 (2) The public utility is duly compensated for its
12 property; and

13 (3) The public utility reports in detail to the public
14 utilities commission within thirty days of any [~~such~~]
15 action unless otherwise approved by the public
16 utilities commission for good cause shown.

17 [~~For purposes of~~] As used in this subsection, "property"
18 does not include real property.

19 (c) With respect to mergers, consolidations, acquisitions,
20 or other changes of control under subsection (a), the public
21 utilities commission shall make every effort to complete its



1 review and issue a decision within nine months from the date
2 that the public utility, other than an investor-owned electric
3 utility company, files its completed application seeking an
4 order of authorization.

5 With respect to mergers, consolidations, acquisitions, or
6 other changes of control under subsection (a) for which an
7 investor-owned electric utility company seeks an order of
8 authorization from the public utilities commission, the
9 commission shall make every effort to complete its review and
10 issue a decision within twelve months from the date that the
11 investor-owned electric utility company files its completed
12 application.

13 If a decision is rendered after the relevant nine- or
14 twelve-month period, the public utilities commission shall
15 submit a report to the legislature in writing, on paper or
16 electronically, detailing the reasons for failing to meet the
17 prescribed period within thirty days after rendering the
18 decision.

19 As used in this subsection, an "investor-owned electric
20 utility company" means a for-profit electric utility company
21 that issues stock owned by shareholders."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2050.

7



Report Title:

Public Utilities Commission; Deadlines; Merger, Consolidation, Acquisition, or Other Change of Control; Report

Description:

Requires the Public Utilities Commission to make every effort to complete its review and issue a decision within nine months from the date that a public utility, other than an investor-owned electric utility company, files its completed application seeking approval for a merger, consolidation, acquisition, or other change of control and within twelve months from the date of the application for an investor-owned electric utility company. Requires the Public Utilities Commission to, if a decision is rendered after the relevant nine- or twelve-month period, submit a report in writing, on paper or electronically, detailing the reasons therefore to the Legislature within thirty days after rendering the decision. Effective 7/1/2050. (SD1)

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

