
A BILL FOR AN ACT

RELATING TO HIGH-VOLTAGE ELECTRIC TRANSMISSION LINES.

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

1 SECTION 1. Section 269-27.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~{}~~§269-27.5~~{}~~ Construction of overhead high-voltage
4 **electric transmission lines; hearing.** Whenever a public utility
5 ~~[plans]~~ seeks approval to place, construct, erect, or otherwise
6 build a new 46 kilovolt or greater high-voltage electric
7 transmission system above the surface of the ground through any
8 residential area~~[r]~~ pursuant to section 269-7.6, the public
9 utilities commission shall conduct a public hearing prior to its
10 issuance of approval thereof. Notice of the hearing shall be
11 given in the manner provided in section 269-16 for notice of
12 public hearings."

13 SECTION 2. Section 269-27.6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§269-27.6 Construction of overhead high-voltage electric
16 **transmission lines; ~~[overhead or underground construction. (a)]~~**
17 **prohibited.** Notwithstanding any law to the contrary, ~~[whenever~~



1 a] no public utility [~~applies to the public utilities commission~~
2 ~~for approval to~~] shall place, construct, erect, or otherwise
3 build a new 46 kilovolt or greater high-voltage electric
4 transmission system[~~, either~~] above [~~or below~~] the surface of
5 the ground[~~, the public utilities commission shall determine~~
6 ~~whether the electric transmission system shall be placed,~~
7 ~~constructed, erected, or built above or below the surface of the~~
8 ~~ground; provided that in its determination, the public utilities~~
9 ~~commission shall consider:~~

- 10 ~~(1) Whether a benefit exists that outweighs the costs of~~
11 ~~placing the electric transmission system underground;~~
- 12 ~~(2) Whether there is a governmental public policy~~
13 ~~requiring the electric transmission system to be~~
14 ~~placed, constructed, erected, or built underground,~~
15 ~~and the governmental agency establishing the policy~~
16 ~~commits funds for the additional costs of~~
17 ~~undergrounding;~~
- 18 ~~(3) Whether any governmental agency or other parties are~~
19 ~~willing to pay for the additional costs of~~
20 ~~undergrounding;~~



1 ~~(4) The recommendation of the division of consumer~~
2 ~~advocacy of the department of commerce and consumer~~
3 ~~affairs, which shall be based on an evaluation of the~~
4 ~~factors set forth under this subsection; and~~

5 ~~(5) Any other relevant factors.~~

6 ~~(b) In making the determination set forth in subsection~~
7 ~~(a), for new 138 kilovolt or greater high-voltage electric~~
8 ~~transmission systems, the public utilities commission shall~~
9 ~~evaluate and make specific findings on all of the following~~
10 ~~factors:~~

11 ~~(1) The amortized cost of construction over the respective~~
12 ~~usable life of an above-ground versus underground~~
13 ~~system;~~

14 ~~(2) The amortized cost of repair over the respective~~
15 ~~usable life of an above-ground versus underground~~
16 ~~system;~~

17 ~~(3) The risk of damage or destruction over the respective~~
18 ~~usable life of an above-ground versus an underground~~
19 ~~system;~~

20 ~~(4) The relative safety and liability risks of an above-~~
21 ~~ground versus underground system;~~



- 1 ~~(5) The electromagnetic field emission exposure from an~~
2 ~~above-ground versus underground system;~~
- 3 ~~(6) The proximity and visibility of an above-ground system~~
4 ~~to:~~
- 5 ~~(A) High density population areas;~~
6 ~~(B) Conservation and other valuable natural resource~~
7 ~~and public recreation areas;~~
- 8 ~~(C) Areas of special importance to the tourism~~
9 ~~industry; and~~
- 10 ~~(D) Other industries particularly dependent on~~
11 ~~Hawaii's natural beauty;~~
- 12 ~~(7) The length of the system;~~
- 13 ~~(8) The breadth and depth of public sentiment with respect~~
14 ~~to an above-ground versus underground system; and~~
- 15 ~~(9) Any other factors that the public utilities commission~~
16 ~~deems relevant.~~
- 17 ~~(c) A public utility making an application to the public~~
18 ~~utilities commission under this section shall clearly and fully~~
19 ~~state and support its evaluation of each factor set forth in~~
20 ~~subsection (b).~~



1 ~~(d) Notwithstanding the requirements under subsections (a)~~
2 ~~and (b), a public utility shall not be required to seek public~~
3 ~~utilities commission approval to place, construct, erect, or~~
4 ~~otherwise build a high-voltage electric transmission system if:~~

5 ~~(1) The electric transmission system is to be built~~
6 ~~underground;~~

7 ~~(2) The entire cost due to building underground, rather~~
8 ~~than above-ground, is paid by an entity other than the~~
9 ~~public utility as a contribution in aid of~~
10 ~~construction; and~~

11 ~~(3) Prior to commencing construction, the public utility~~
12 ~~provides a report to the public utilities commission,~~
13 ~~with a copy to the consumer advocate, describing in~~
14 ~~detail the electric transmission system and providing~~
15 ~~sufficient documentation that affirms that the~~
16 ~~additional costs of building the electric transmission~~
17 ~~system underground will be paid by an entity other~~
18 ~~than the public utility.~~

19 ~~(e) The public utilities commission shall have sixty days~~
20 ~~to take action on the report filed pursuant to subsection~~



1 ~~(d) (3), or it shall be assumed that the public utility may~~
2 ~~proceed with the project]."~~

3 SECTION 3. (a) No later than _____, 2024, the office
4 of planning and sustainable development shall submit to the
5 public utilities commission a report identifying the areas of
6 the State having the highest risk of wildfires. Upon receipt of
7 the report, the public utilities commission shall require each
8 public utility that owns an overhead high-voltage electric
9 transmission line to underground each of the public utility's
10 overhead high-voltage electric transmission lines; provided that
11 any utility that owns multiple overhead high-voltage electric
12 transmission lines shall prioritize the undergrounding of
13 high-voltage electric transmission lines in areas of the State
14 having the highest risk of wildfires, as identified by the
15 office of planning and sustainable development.

16 (b) As used in this section:

17 "Overhead high-voltage electric transmission line" means a
18 high-voltage electric transmission line that was placed,
19 constructed, erected, or otherwise built above the surface of
20 the ground.



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1 "Underground" or "undergrounding" means the process of
2 replacing an overhead high-voltage electric transmission line
3 with a new high-voltage electric transmission line that is
4 placed, constructed, erected, or otherwise built under the
5 surface of the ground.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Elle Cochran

JAN 19 2024



H.B. NO. 2169

Report Title:

PUC; OPSD; Public Utilities; High-Voltage Electric Transmission Lines; Overhead Construction; Undergrounding

Description:

Prohibits the construction of overhead high-voltage electric transmission lines. Requires the Office of Planning and Sustainable Development to submit to the Public Utilities Commission a report identifying the areas of the State having the highest risk of wildfires. Requires the Public Utilities Commission to direct certain public utilities to underground all existing overhead high-voltage electric transmission lines.

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