
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. The legislature finds that solar energy, along
2 with wind energy, has become the most cost-effective source of
3 electricity in the world. The State has long capitalized on its
4 abundant sunlight through large-scale solar farms that supply
5 power to electric utilities and widespread rooftop solar systems
6 that serve individual households. Hawaii currently leads the
7 nation in rooftop solar installations per capita, and continuing
8 advances in technology have made solar energy more accessible
9 and affordable than ever before.

10 The legislature further finds that portable solar
11 generation devices—commonly referred to as balcony solar or
12 plug-in solar—offer new opportunities for families to generate
13 their own electricity. These systems are particularly
14 advantageous to residents of apartments and rental properties.
15 Apartment dwellers can install units on balconies and renters
16 can easily relocate their systems when they move to a new home.



1 Compared with rooftop solar, portable solar generation
2 devices have significantly lower upfront costs—generally between
3 \$500 and \$1,000—and can be installed by consumers without
4 specialized training. Although these devices produce less
5 electricity than typical rooftop systems, they can supply enough
6 power to operate common household appliances such as lights,
7 televisions, computers, and refrigerators.

8 Once installed, a portable solar generation device plugs
9 into a standard household electrical outlet. Electricity
10 generated by the device is used by appliances connected to the
11 home's other outlets, while built-in safety features prevent
12 electricity from flowing into the grid. Any surplus electricity
13 generated is unused and cannot be sold to the electric utility.

14 Portable solar generation devices may also be paired with
15 battery storage, allowing users to store electricity produced
16 during the day for use at night or at other times when the sun
17 is not shining. Although batteries remain relatively expensive,
18 costs are decreasing, and combined systems can yield long-term
19 savings on household electricity expenses.

20 The legislature therefore finds that establishing a clear
21 regulatory framework for portable solar generation devices will



1 encourage their safe and effective use, expand access to
2 renewable energy, and advance the State toward its clean energy
3 goals.

4 Accordingly, the purpose of this Act is to establish a
5 regulatory framework to introduce the use of portable solar
6 generation devices in the State, beginning within units in
7 condominiums organized pursuant to chapter 514B, Hawaii Revised
8 Statutes, subject to certain conditions.

9 SECTION 2. Chapter 269, Hawaii Revised Statutes, is
10 amended by adding two new sections to part I to be appropriately
11 designated and to read as follows:

12 **"§269- Portable solar generation devices; requirements.**

13 (a) A portable solar generation device that meets the
14 requirements of this section shall not be subject to any:

15 (1) Net energy metering program requirements under this
16 chapter; or

17 (2) Interconnection requirements under part IX of this
18 chapter.

19 (b) A portable solar generation device shall include a
20 device or feature that prevents the portable solar generation



1 device from energizing the building's electrical system during a
2 power outage.

3 (c) No electric utility company shall require a customer
4 using a portable solar generation device to:

5 (1) Obtain the electric utility company's approval to
6 install or use the device;

7 (2) Pay any fee or charge related to the device; or

8 (3) Install any additional controls or equipment beyond
9 what is integrated into the device.

10 (d) A portable solar generation device may be installed
11 only within units in condominiums organized pursuant to chapter
12 514B.

13 (e) No electric utility company shall be liable for any
14 damage or injury caused by a portable solar generation device.

15 (f) The public utilities commission shall determine the
16 required certification standard for a portable solar generation
17 device, including a standard certified by Underwriters
18 Laboratories, Inc., or an equivalent nationally recognized
19 testing laboratory, as recognized by the federal Occupational
20 Safety and Health Administration.



1 (3) Is intended primarily to offset part of the customer's
2 consumption of electricity from electric utility
3 companies."

4 2. By amending the definition of "public utility" to read:
5 ""Public utility":

6 (1) Includes every person who may own, control, operate,
7 or manage as owner, lessee, trustee, receiver, or
8 otherwise, whether under a franchise, charter,
9 license, articles of association, or otherwise, any
10 plant or equipment, or any part thereof, directly or
11 indirectly for public use for the transportation of
12 passengers or freight; for the conveyance or
13 transmission of telecommunications messages; for the
14 furnishing of facilities for the transmission of
15 intelligence by electricity within the State or
16 between points within the State by land, water, or
17 air; for the production, conveyance, transmission,
18 delivery, or furnishing of light, power, heat, cold,
19 water, gas, or oil; for the storage or warehousing of
20 goods; or for the disposal of sewage; provided that
21 the term shall include:



- 1 (A) An owner or operator of a private sewer company
- 2 or sewer facility; and
- 3 (B) A telecommunications carrier or
- 4 telecommunications common carrier; and
- 5 (2) Shall not include:
- 6 (A) An owner or operator of an aerial transportation
- 7 enterprise;
- 8 (B) An owner or operator of a taxicab as defined in
- 9 this section;
- 10 (C) Common carriers that transport only freight on
- 11 the public highways, unless operating within
- 12 localities, along routes, or between points that
- 13 the public utilities commission finds to be
- 14 inadequately serviced without regulation under
- 15 this chapter;
- 16 (D) Persons engaged in the business of warehousing or
- 17 storage unless the commission finds that
- 18 regulation is necessary in the public interest;
- 19 (E) A carrier by water to the extent that the carrier
- 20 enters into private contracts for towage,
- 21 salvage, hauling, or carriage between points



1 within the State; provided that the towing,
2 salvage, hauling, or carriage is not pursuant to
3 either an established schedule or an undertaking
4 to perform carriage services on behalf of the
5 public generally;

6 (F) A carrier by water, substantially engaged in
7 interstate or foreign commerce, that transports
8 passengers on luxury cruises between points
9 within the State or on luxury round-trip cruises
10 returning to the point of departure;

11 (G) Any user, owner, or operator of the Hawaii
12 electric system as defined under section 269-141;

13 (H) A telecommunications provider only to the extent
14 determined by the public utilities commission
15 pursuant to section 269-16.9;

16 (I) Any person who controls, operates, or manages
17 plants or facilities developed pursuant to
18 chapter 167 for conveying, distributing, and
19 transmitting water for irrigation and other
20 purposes for public use and purpose;



1 (J) Any person who owns, controls, operates, or
2 manages plants or facilities for the reclamation
3 of wastewater; provided that:

4 (i) The services of the facility are provided
5 pursuant to a service contract between the
6 person and a state or county agency and at
7 least ten per cent of the wastewater
8 processed is used directly by the state or
9 county agency that entered into the service
10 contract;

11 (ii) The primary function of the facility is the
12 processing of secondary treated wastewater
13 that has been produced by a municipal
14 wastewater treatment facility owned by a
15 state or county agency;

16 (iii) The facility does not make sales of water to
17 residential customers;

18 (iv) The facility may distribute and sell
19 recycled or reclaimed water to entities not
20 covered by a state or county service
21 contract; provided that, in the absence of



1 regulatory oversight and direct competition,
2 the distribution and sale of recycled or
3 reclaimed water shall be voluntary and its
4 pricing fair and reasonable. For the
5 purposes of this subparagraph, "recycled
6 water" and "reclaimed water" means treated
7 wastewater that by design is intended or
8 used for a beneficial purpose; and

9 (v) The facility is not engaged, either directly
10 or indirectly, in the processing of food
11 wastes;

12 (K) Any person who owns, controls, operates, or
13 manages any seawater air conditioning district
14 cooling project; provided that at least fifty per
15 cent of the energy required for the seawater air
16 conditioning district cooling system is provided
17 by a renewable energy resource, such as cold,
18 deep seawater;

19 (L) Any person who owns, controls, operates, or
20 manages plants or facilities primarily used to



1 charge or discharge a vehicle battery that
2 provides power for vehicle propulsion;
3 (M) Any person who:
4 (i) Owns, controls, operates, or manages a
5 renewable energy system that is located on a
6 customer's property; and
7 (ii) Provides, sells, or transmits the power
8 generated from that renewable energy system
9 to an electric utility or to the customer on
10 whose property the renewable energy system
11 is located; provided that, for purposes of
12 this subparagraph, a customer's property
13 shall include all contiguous property owned
14 or leased by the customer without regard to
15 interruptions in contiguity caused by
16 easements, public thoroughfares,
17 transportation rights-of-way, and utility
18 rights-of-way; ~~and~~
19 (N) Any person who owns, controls, operates, or
20 manages a renewable energy system that is located
21 on the person's property and provides, sells, or



1 transmits the power generated from that renewable
2 energy system to an electric utility or to
3 lessees or tenants on the person's property where
4 the renewable energy system is located; provided
5 that:

6 (i) An interconnection, as defined in section
7 269-141, is maintained with an electric
8 public utility to preserve the lessees' or
9 tenants' ability to be served by an electric
10 utility;

11 (ii) The person does not use an electric public
12 utility's transmission or distribution lines
13 to provide, sell, or transmit electricity to
14 lessees or tenants;

15 (iii) At the time that the lease agreement is
16 signed, the rate charged to the lessee or
17 tenant for the power generated by the
18 renewable energy system shall be no greater
19 than the effective rate charged per kilowatt
20 hour from the applicable electric utility



1 schedule filed with the public utilities
2 commission;

3 (iv) The rate schedule or formula shall be
4 established for the duration of the lease,
5 and the lease agreement entered into by the
6 lessee or tenant shall reflect the rate
7 schedule or formula;

8 (v) The lease agreement shall not abrogate any
9 terms or conditions of applicable tariffs
10 for termination of services for nonpayment
11 of electric utility services or rules
12 regarding health, safety, and welfare; and

13 (vi) The lease agreement shall disclose: (1) the
14 rate schedule or formula for the duration of
15 the lease agreement; (2) that, at the time
16 that the lease agreement is signed, the rate
17 charged to the lessee or tenant for the
18 power generated by the renewable energy
19 system shall be no greater than the
20 effective rate charged per kilowatt hour
21 from the applicable electric utility



1 schedule filed with the public utilities
2 commission; (3) that the lease agreement
3 shall not abrogate any terms or conditions
4 of applicable tariffs for termination of
5 services for nonpayment of electric utility
6 services or rules regarding health, safety,
7 and welfare; and (4) whether the lease is
8 contingent upon the purchase of electricity
9 from the renewable energy system; provided
10 further that any disputes concerning the
11 requirements of this provision shall be
12 resolved pursuant to the provisions of the
13 lease agreement or chapter 521, if
14 applicable[-]; and

15 (O) Any person who owns, controls, operates, or
16 manages a portable solar generation device that
17 is located on the person's property.

18 If the application of this chapter is ordered by the
19 commission in any case provided in paragraph (2) (C), (D), (H),
20 and (I), the business of any public utility that presents
21 evidence of bona fide operation on the date of the commencement



1 of the proceedings resulting in the order shall be presumed to
2 be necessary to the public convenience and necessity, but any
3 certificate issued under this proviso shall nevertheless be
4 subject to terms and conditions as the public utilities
5 commission may prescribe, as provided in sections 269-16.9 and
6 269-20."

7 3. By amending the definition of "renewable energy system"
8 to read:

9 "Renewable energy system" means any identifiable facility,
10 equipment, apparatus, or the like that converts renewable
11 energy, as defined in section 269-91, to useful thermal or
12 electrical energy for heating, cooling, or reducing the use of
13 other types of energy that are dependent on fossil fuel for
14 their generation. "Renewable energy system" does not include a
15 portable solar generation device as defined in this section."

16 SECTION 4. Section 269-101, Hawaii Revised Statutes, is
17 amended by amending the definition of "eligible customer-
18 generator" to read as follows:

19 "Eligible customer-generator" means a metered residential
20 or commercial customer, including a government entity, of an
21 electric utility who owns and operates a solar, wind turbine,



1 biomass, or hydroelectric energy generating facility, or a
2 hybrid system consisting of two or more of these facilities,
3 that is:

- 4 (1) Located on the customer's premises;
- 5 (2) Operated in parallel with the utility's transmission
6 and distribution facilities;
- 7 (3) In conformance with the utility's interconnection
8 requirements; and
- 9 (4) Intended primarily to offset part or all of the
10 customer's own electrical requirements.

11 "Eligible customer-generator" does not include a portable solar
12 generation device as defined in section 269-1."

13 SECTION 5. Section 481B-6, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) [~~As used in~~] For the purposes of this section, "solar
16 energy device" means any new identifiable facility, equipment,
17 apparatus, or the like which makes use of solar energy for
18 heating, cooling, or reducing the use of other types of energy
19 dependent upon fossil fuel for its generation. "Solar energy
20 device" does not include a portable solar generation device as
21 defined in section 269-1."



1 SECTION 6. Section 514B-140, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Subject to the provisions of the declaration,
4 nonmaterial additions to or alterations of the common elements
5 or units, including, without limitation, additions to or
6 alterations of a unit made within the unit or within a limited
7 common element appurtenant to and for the exclusive use of the
8 unit, shall require approval only by the board, which shall not
9 unreasonably withhold the approval, and such percentage, number,
10 or group of unit owners as may be required by the declaration or
11 bylaws; provided that:

12 (1) The installation of solar energy devices by owners of
13 condominium units shall be allowed upon written
14 consent of the board; and

15 (2) The installation of solar energy devices shall be
16 allowed on single-family residential dwellings or
17 townhouses pursuant to the provisions in section
18 196-7.

19 [~~As used in~~] For the purposes of this subsection:

20 "Building-applied photovoltaic" means any new identifiable
21 facility, equipment, apparatus, or the like, which turns solar



1 energy into electric energy and is applied to the outside of a
2 building, such as roof-mounted photovoltaic solar panels.

3 "Building-integrated photovoltaic" means any new
4 identifiable facility, equipment, apparatus, or the like, which
5 generates electricity from solar energy and is integrated into
6 the structural elements of a building, such as photovoltaic
7 windows and skylights.

8 "Nonmaterial additions and alterations" means an addition
9 to or alteration of the common elements or a unit that does not
10 jeopardize the soundness or safety of the property, reduce the
11 value thereof, impair any easement, detract from the appearance
12 of the project, interfere with or deprive any nonconsenting
13 owner of the use or enjoyment of any part of property, or
14 directly affect any nonconsenting owner.

15 "Passive solar skylights or windows" means any skylight or
16 window that regulates heating and cooling but does not generate
17 electricity from solar energy.

18 "Solar energy device" means any new identifiable facility,
19 equipment, apparatus, or the like [~~which~~] that makes use of
20 solar energy for heating, cooling, or reducing the use of other
21 types of energy dependent upon fossil fuel for its generation,



1 including but not limited to all types of building-applied
2 photovoltaics and building-integrated photovoltaics; provided
3 that if the equipment sold cannot be used as a solar device
4 without its incorporation with other equipment, it shall be
5 installed in place and be ready to be made operational in order
6 to qualify as a "solar energy device" [~~;~~ ~~provided further that~~
7 ~~"solar~~]. "Solar energy device" includes a portable solar
8 generation device as defined in section 269-1. "Solar energy
9 device" shall not include passive solar skylights or windows.

10 "Townhouse" means a series of individual houses, having
11 architectural unity and a common wall between each unit;
12 provided that each unit extends from the ground to the roof."

13 SECTION 7. The public utilities commission shall submit
14 biannual progress reports on the use of portable solar
15 generation devices to the legislature no later than twenty days
16 prior to the convening of the regular sessions of 2027 and 2028
17 and no later than twenty days after the adjournment sine die of
18 the regular sessions of 2027 and 2028. The reports shall
19 include but not be limited to:

20 (1) The number of portable solar generation devices
21 registered with the commission;



- 1 (2) Any problems encountered by registrants and electric
2 utility companies; and
3 (3) The commission's findings, recommendations, and any
4 proposed legislation.

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect on April 19, 2042.



S.B. NO. 2902
S.D. 2

Report Title:

PUC; Portable Solar Generation Device; Condominiums;
Requirements; Registration; Online System; Reports

Description:

Defines "portable solar generation device" and establishes certain requirements for their regulation and use exclusively within units in condominiums organized pursuant to Chapter 514B, HRS. Requires the Public Utilities Commission or a person or organization chosen by the Commission to establish an online registration system. Clarifies that portable solar generation devices are subject to certain approval procedures for installation in condominiums. Requires reports to the Legislature. Effective 4/19/2042. (SD2)

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

