
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
3 between \$500 and \$1,000, and can be installed by consumers
4 without specialized training. Although these devices produce
5 less electricity than typical rooftop systems, they can supply
6 enough power to operate common household appliances such as
7 lights, 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 an 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 sunlight
17 is unavailable. Although batteries remain relatively expensive,
18 their costs are decreasing, and combined systems can yield long-
19 term 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:

- 5 (1) Establish certain standards for the use of portable
6 solar generation devices and provide exemptions from
7 net energy metering and interconnection requirements
8 for devices that meet those standards;
- 9 (2) Prohibit electric utility companies from requiring
10 customers using portable solar generation devices to
11 obtain approval from the utility, pay any fee or
12 charge, or install additional controls or equipment;
- 13 (3) Limit the installation of portable solar generation
14 devices to condominiums;
- 15 (4) Require the public utilities commission to establish
16 and maintain an online system for registration of
17 portable solar generation devices;
- 18 (5) Clarify that any person who owns, controls, operates,
19 or manages a portable solar generation device that is
20 located on the person's property does not qualify as a
21 regulated public utility; and



1 (6) Require biannual reports to the legislature.

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

5 "§269- Portable solar generation devices; requirements.

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

8 (1) Net energy metering program requirements under this
9 chapter; or

10 (2) Interconnection requirements under part IX of this
11 chapter.

12 (b) A portable solar generation device shall include a
13 device or feature that prevents the portable solar generation
14 device from energizing the building's electrical system during a
15 power outage.

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

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

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



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

3 (d) A portable solar generation device may be installed
4 only within units, whether owned or rented, in condominiums
5 organized pursuant to chapter 514B.

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

8 (f) By December 30, 2026, the public utilities commission
9 shall determine, by rule or order, the required certification
10 standard for a portable solar generation device, including a
11 standard certified by Underwriters Laboratories, Inc., or an
12 equivalent nationally recognized testing laboratory, as
13 recognized by the federal Occupational Safety and Health
14 Administration.

15 §269- Registration; portable solar generation devices;
16 online system. The public utilities commission shall establish
17 and maintain an online system for registration of portable solar
18 generation devices in the State; provided that the public
19 utilities commission may delegate the authority to establish and
20 maintain the online registration system to any person or



1 organization. No fee shall be required for a customer to
2 register a portable solar generation device."

3 SECTION 3. Section 269-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted
6 and to read:

7 "Portable solar generation device" means a moveable
8 photovoltaic generation device that:

- 9 (1) Has a maximum power output of 1.2 kilowatts;
- 10 (2) Is designed to be connected to a building's electrical
11 system through a standard one hundred twenty-volt
12 alternating current outlet; and
- 13 (3) Is intended primarily to offset the customer's
14 consumption of electricity from electric utility
15 companies."

16 2. By amending the definition of "public utility" to read:
17 "Public utility":

- 18 (1) Includes every person who may own, control, operate,
19 or manage as owner, lessee, trustee, receiver, or
20 otherwise, whether under a franchise, charter,
21 license, articles of association, or otherwise, any



1 plant or equipment, or any part thereof, directly or
2 indirectly for public use for the transportation of
3 passengers or freight; for the conveyance or
4 transmission of telecommunications messages; for the
5 furnishing of facilities for the transmission of
6 intelligence by electricity within the State or
7 between points within the State by land, water, or
8 air; for the production, conveyance, transmission,
9 delivery, or furnishing of light, power, heat, cold,
10 water, gas, or oil; for the storage or warehousing of
11 goods; or for the disposal of sewage; provided that
12 the term shall include:

13 (A) An owner or operator of a private sewer company
14 or sewer facility; and

15 (B) A telecommunications carrier or
16 telecommunications common carrier; and

17 (2) Shall not include:

18 (A) An owner or operator of an aerial transportation
19 enterprise;

20 (B) An owner or operator of a taxicab as defined in
21 this section;



- 1 (C) Common carriers that transport only freight on
2 the public highways, unless operating within
3 localities, along routes, or between points that
4 the public utilities commission finds to be
5 inadequately serviced without regulation under
6 this chapter;
- 7 (D) Persons engaged in the business of warehousing or
8 storage unless the commission finds that
9 regulation is necessary in the public interest;
- 10 (E) A carrier by water to the extent that the carrier
11 enters into private contracts for towage,
12 salvage, hauling, or carriage between points
13 within the State; provided that the towing,
14 salvage, hauling, or carriage is not pursuant to
15 either an established schedule or an undertaking
16 to perform carriage services on behalf of the
17 public generally;
- 18 (F) A carrier by water, substantially engaged in
19 interstate or foreign commerce, that transports
20 passengers on luxury cruises between points



- 1 within the State or on luxury round-trip cruises
- 2 returning to the point of departure;
- 3 (G) Any user, owner, or operator of the Hawaii
- 4 electric system as defined under section 269-141;
- 5 (H) A telecommunications provider only to the extent
- 6 determined by the public utilities commission
- 7 pursuant to section 269-16.9;
- 8 (I) Any person who controls, operates, or manages
- 9 plants or facilities developed pursuant to
- 10 chapter 167 for conveying, distributing, and
- 11 transmitting water for irrigation and other
- 12 purposes for public use and purpose;
- 13 (J) Any person who owns, controls, operates, or
- 14 manages plants or facilities for the reclamation
- 15 of wastewater; provided that:
- 16 (i) The services of the facility are provided
- 17 pursuant to a service contract between the
- 18 person and a state or county agency and at
- 19 least ten per cent of the wastewater
- 20 processed is used directly by the state or



1 county agency that entered into the service
2 contract;

3 (ii) The primary function of the facility is the
4 processing of secondary treated wastewater
5 that has been produced by a municipal
6 wastewater treatment facility owned by a
7 state or county agency;

8 (iii) The facility does not make sales of water to
9 residential customers;

10 (iv) The facility may distribute and sell
11 recycled or reclaimed water to entities not
12 covered by a state or county service
13 contract; provided that, in the absence of
14 regulatory oversight and direct competition,
15 the distribution and sale of recycled or
16 reclaimed water shall be voluntary and its
17 pricing fair and reasonable. For the
18 purposes of this subparagraph, "recycled
19 water" and "reclaimed water" means treated
20 wastewater that by design is intended or
21 used for a beneficial purpose; and



- 1 (v) The facility is not engaged, either directly
2 or indirectly, in the processing of food
3 wastes;
- 4 (K) Any person who owns, controls, operates, or
5 manages any seawater air conditioning district
6 cooling project; provided that at least fifty per
7 cent of the energy required for the seawater air
8 conditioning district cooling system is provided
9 by a renewable energy resource, such as cold,
10 deep seawater;
- 11 (L) Any person who owns, controls, operates, or
12 manages plants or facilities primarily used to
13 charge or discharge a vehicle battery that
14 provides power for vehicle propulsion;
- 15 (M) Any person who:
- 16 (i) Owns, controls, operates, or manages a
17 renewable energy system that is located on a
18 customer's property; and
- 19 (ii) Provides, sells, or transmits the power
20 generated from that renewable energy system
21 to an electric utility or to the customer on



1 whose property the renewable energy system
2 is located; provided that, for purposes of
3 this subparagraph, a customer's property
4 shall include all contiguous property owned
5 or leased by the customer without regard to
6 interruptions in contiguity caused by
7 easements, public thoroughfares,
8 transportation rights-of-way, and utility
9 rights-of-way; [~~and~~]

10 (N) Any person who owns, controls, operates, or
11 manages a renewable energy system that is located
12 on the person's property and provides, sells, or
13 transmits the power generated from that renewable
14 energy system to an electric utility or to
15 lessees or tenants on the person's property where
16 the renewable energy system is located; provided
17 that:

18 (i) An interconnection, as defined in section
19 269-141, is maintained with an electric
20 public utility to preserve the lessees' or



- 1 tenants' ability to be served by an electric
2 utility;
- 3 (ii) The person does not use an electric public
4 utility's transmission or distribution lines
5 to provide, sell, or transmit electricity to
6 lessees or tenants;
- 7 (iii) At the time that the lease agreement is
8 signed, the rate charged to the lessee or
9 tenant for the power generated by the
10 renewable energy system shall be no greater
11 than the effective rate charged per kilowatt
12 hour from the applicable electric utility
13 schedule filed with the public utilities
14 commission;
- 15 (iv) The rate schedule or formula shall be
16 established for the duration of the lease,
17 and the lease agreement entered into by the
18 lessee or tenant shall reflect the rate
19 schedule or formula;
- 20 (v) The lease agreement shall not abrogate any
21 terms or conditions of applicable tariffs



1 for termination of services for nonpayment
2 of electric utility services or rules
3 regarding health, safety, and welfare; and
4 (vi) The lease agreement shall disclose: (1) the
5 rate schedule or formula for the duration of
6 the lease agreement; (2) that, at the time
7 that the lease agreement is signed, the rate
8 charged to the lessee or tenant for the
9 power generated by the renewable energy
10 system shall be no greater than the
11 effective rate charged per kilowatt hour
12 from the applicable electric utility
13 schedule filed with the public utilities
14 commission; (3) that the lease agreement
15 shall not abrogate any terms or conditions
16 of applicable tariffs for termination of
17 services for nonpayment of electric utility
18 services or rules regarding health, safety,
19 and welfare; and (4) whether the lease is
20 contingent upon the purchase of electricity
21 from the renewable energy system; provided



1 further that any disputes concerning the
2 requirements of this provision shall be
3 resolved pursuant to the provisions of the
4 lease agreement or chapter 521, if
5 applicable[-]; and

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

9 If the application of this chapter is ordered by the
10 commission in any case provided in paragraph (2) (C), (D), (H),
11 and (I), the business of any public utility that presents
12 evidence of bona fide operation on the date of the commencement
13 of the proceedings resulting in the order shall be presumed to
14 be necessary to the public convenience and necessity, but any
15 certificate issued under this proviso shall nevertheless be
16 subject to terms and conditions as the public utilities
17 commission may prescribe, as provided in sections 269-16.9 and
18 269-20."

19 3. By amending the definition of "renewable energy system"
20 to read:



1 ""Renewable energy system" means any identifiable facility,
2 equipment, apparatus, or the like that converts renewable
3 energy, as defined in section 269-91, to useful thermal or
4 electrical energy for heating, cooling, or reducing the use of
5 other types of energy that are dependent on fossil fuel for
6 their generation. "Renewable energy system" does not include a
7 portable solar generation device."

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

11 ""Eligible customer-generator" means a metered residential
12 or commercial customer, including a government entity, of an
13 electric utility who owns and operates a solar, wind turbine,
14 biomass, or hydroelectric energy generating facility, or a
15 hybrid system consisting of two or more of these facilities,
16 that is:

- 17 (1) Located on the customer's premises;
- 18 (2) Operated in parallel with the utility's transmission
19 and distribution facilities;
- 20 (3) In conformance with the utility's interconnection
21 requirements; and



1 (4) Intended primarily to offset part or all of the
2 customer's own electrical requirements.

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

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

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

14 SECTION 6. The public utilities commission shall submit
15 progress reports on the use of portable solar generation devices
16 to the legislature no later than twenty days prior to the
17 convening of the regular sessions of 2027 and 2028. The reports
18 shall include but not be limited to:

19 (1) The number of portable solar generation devices
20 registered with the commission or the commission's
21 delegated person or organization;



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

7 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Establishes certain standards for the use of portable solar generation devices and provides certain exemptions from net energy metering and interconnection requirements for devices that meet these standards. Prohibits electric utility companies from requiring customers using portable solar generation devices to obtain approval from the utility, pay any fee or charge, or install additional controls or equipment. Limits the installation of portable solar generation devices to condominiums. Requires the Public Utilities Commission to establish and maintain an online system for registration of portable solar generation devices. Clarifies that any person who owns, controls, operates, or manages a portable solar generation device that is located on the person's property does not qualify as a regulated public utility. Requires annual reports to the Legislature. Effective 7/1/3000. (HD1)

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

