
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 **§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 customers 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 not more than 1.2

10 kilowatts;

11 (2) Is designed to be connected to a building's electrical

12 system through a standard one hundred and twenty-volt

13 alternating current outlet;

14 (3) Is intended primarily to offset part of the customer's

15 consumption of electricity from electric utility

16 companies; and

17 (4) Is certified by Underwriters Laboratories, Inc., to

18 meet standard UL 3700, or an equivalent nationally

19 recognized testing laboratory, as recognized by the

20 Federal Occupational Safety and Health Administration,

21 or each part of the device is so certified."



1 2. By amending the definition of "public utility" to read:

2 ""Public utility":

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

19 (A) An owner or operator of a private sewer company
20 or sewer facility; and



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



1 either an established schedule or an undertaking
2 to perform carriage services on behalf of the
3 public generally;

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

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

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

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

19 (J) Any person who owns, controls, operates, or
20 manages plants or facilities for the reclamation
21 of wastewater; provided that:



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

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

13 (iii) The facility does not make sales of water to
14 residential customers;

15 (iv) The facility may distribute and sell
16 recycled or reclaimed water to entities not
17 covered by a state or county service
18 contract; provided that, in the absence of
19 regulatory oversight and direct competition,
20 the distribution and sale of recycled or
21 reclaimed water shall be voluntary and its



1 pricing fair and reasonable. For the
2 purposes of this subparagraph, "recycled
3 water" and "reclaimed water" means treated
4 wastewater that by design is intended or
5 used for a beneficial purpose; and

6 (v) The facility is not engaged, either directly
7 or indirectly, in the processing of food
8 wastes;

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

16 (L) Any person who owns, controls, operates, or
17 manages plants or facilities primarily used to
18 charge or discharge a vehicle battery that
19 provides power for vehicle propulsion;

20 (M) Any person who:



1 (i) Owns, controls, operates, or manages a
2 renewable energy system that is located on a
3 customer's property; and

4 (ii) Provides, sells, or transmits the power
5 generated from that renewable energy system
6 to an electric utility or to the customer on
7 whose property the renewable energy system
8 is located; provided that, for purposes of
9 this subparagraph, a customer's property
10 shall include all contiguous property owned
11 or leased by the customer without regard to
12 interruptions in contiguity caused by
13 easements, public thoroughfares,
14 transportation rights-of-way, and utility
15 rights-of-way; ~~and~~

16 (N) Any person who owns, controls, operates, or
17 manages a renewable energy system that is located
18 on the person's property and provides, sells, or
19 transmits the power generated from that renewable
20 energy system to an electric utility or to
21 lessees or tenants on the person's property where



1 the renewable energy system is located; provided
2 that:

3 (i) An interconnection, as defined in section
4 269-141, is maintained with an electric
5 public utility to preserve the lessees' or
6 tenants' ability to be served by an electric
7 utility;

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

12 (iii) At the time that the lease agreement is
13 signed, the rate charged to the lessee or
14 tenant for the power generated by the
15 renewable energy system shall be no greater
16 than the effective rate charged per kilowatt
17 hour from the applicable electric utility
18 schedule filed with the public utilities
19 commission;

20 (iv) The rate schedule or formula shall be
21 established for the duration of the lease,



1 and the lease agreement entered into by the
2 lessee or tenant shall reflect the rate
3 schedule or formula;

4 (v) The lease agreement shall not abrogate any
5 terms or conditions of applicable tariffs
6 for termination of services for nonpayment
7 of electric utility services or rules
8 regarding health, safety, and welfare; and

9 (vi) The lease agreement shall disclose: (1) the
10 rate schedule or formula for the duration of
11 the lease agreement; (2) that, at the time
12 that the lease agreement is signed, the rate
13 charged to the lessee or tenant for the
14 power generated by the renewable energy
15 system shall be no greater than the
16 effective rate charged per kilowatt hour
17 from the applicable electric utility
18 schedule filed with the public utilities
19 commission; (3) that the lease agreement
20 shall not abrogate any terms or conditions
21 of applicable tariffs for termination of



1 services for nonpayment of electric utility
2 services or rules regarding health, safety,
3 and welfare; and (4) whether the lease is
4 contingent upon the purchase of electricity
5 from the renewable energy system; provided
6 further that any disputes concerning the
7 requirements of this provision shall be
8 resolved pursuant to the provisions of the
9 lease agreement or chapter 521, if
10 applicable[~~-~~]; and

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

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



1 commission may prescribe, as provided in sections 269-16.9 and
2 269-20."

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

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

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

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

21 (1) Located on the customer's premises;



1 (2) Operated in parallel with the utility's transmission
2 and distribution facilities;

3 (3) In conformance with the utility's interconnection
4 requirements; and

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

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

9 SECTION 5. Section 514B-140, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) Subject to the provisions of the declaration,
12 nonmaterial additions to or alterations of the common elements
13 or units, including, without limitation, additions to or
14 alterations of a unit made within the unit or within a limited
15 common element appurtenant to and for the exclusive use of the
16 unit, shall require approval only by the board, which shall not
17 unreasonably withhold the approval, and such percentage, number,
18 or group of unit owners as may be required by the declaration or
19 bylaws; provided that:



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

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

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

9 "Building-applied photovoltaic" means any new identifiable
10 facility, equipment, apparatus, or the like, which turns solar
11 energy into electric energy and is applied to the outside of a
12 building, such as roof-mounted photovoltaic solar panels.

13 "Building-integrated photovoltaic" means any new
14 identifiable facility, equipment, apparatus, or the like, which
15 generates electricity from solar energy and is integrated into
16 the structural elements of a building, such as photovoltaic
17 windows and skylights.

18 "Nonmaterial additions and alterations" means an addition
19 to or alteration of the common elements or a unit that does not
20 jeopardize the soundness or safety of the property, reduce the
21 value thereof, impair any easement, detract from the appearance



1 of the project, interfere with or deprive any nonconsenting
2 owner of the use or enjoyment of any part of property, or
3 directly affect any nonconsenting owner.

4 "Passive solar skylights or windows" means any skylight or
5 window that regulates heating and cooling but does not generate
6 electricity from solar energy.

7 "Solar energy device" means any new identifiable facility,
8 equipment, apparatus, or the like which makes use of solar
9 energy for heating, cooling, or reducing the use of other types
10 of energy dependent upon fossil fuel for its generation,
11 including but not limited to all types of building-applied
12 photovoltaics and building-integrated photovoltaics; provided
13 that if the equipment sold cannot be used as a solar device
14 without its incorporation with other equipment, it shall be
15 installed in place and be ready to be made operational in order
16 to qualify as a "solar energy device" [~~+, provided further that~~
17 ~~"solar"]~~. "Solar energy device" includes a portable solar
18 generation device as defined in section 269-1. "Solar energy
19 device" shall not include passive solar skylights or windows.



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

4 SECTION 6. The public utilities commission shall submit
5 biannual progress reports on the use of portable solar
6 generation devices to the legislature no later than twenty days
7 prior to the convening of the regular sessions of 2027 and 2028
8 and no later than twenty days after the adjournment sine die of
9 the regular sessions of 2027 and 2028. The reports shall
10 include but not be limited to:

- 11 (1) The number of portable solar generation devices
12 registered with the commission;
13 (2) Any problems encountered by registrants and electric
14 utility companies; and
15 (3) The commission's findings, recommendations, and any
16 proposed legislation.

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on April 19, 2042.



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. (SD1)

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