

**ACT 276**

S. B. 1100.

A Bill for an Act Relating to the Regulation of Public Utilities and Amending Section 104-15, Revised Laws of Hawaii 1955, as Amended.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The first paragraph of section 104-15, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

**“Section 104-15. Regulate rates, etc., hearings, notice of hearings, appeals.** All rates, fares, charges, classifications, schedules, rules and practices made, charged or observed by any public utility, or by two or more public utilities jointly, shall be just and reasonable and shall be filed with the commission and no rate, fare, charge, classification, schedule, rule or practice shall be established, abandoned, modified or departed from except after thirty days’ notice to the commission; provided, however, no rates,

fares or charges shall be increased without the prior approval of the commission. The notice herein provided for shall plainly state the rate, fare, charge, classification, schedule, rule or practice proposed to be established, abandoned, modified or departed from and the proposed effective date thereof and shall be given by filing the notice with the commission and keeping it open for public inspection. The commission may, in its discretion and for good cause shown, allow any rate, fare, charge, classification, schedule, rule or practice to be established, abandoned, modified or departed from upon notice less than that provided for herein. The commission shall not approve any increase in rates without conducting an advertised public hearing or hearings thereon on the island on which the utility is situated. No rates shall be increased nor shall any hearings be held unless notice of the hearing, with the purpose thereof and the date, time and place at which it will open has been advertised not less than once in each of three weeks in a newspaper published in and of general circulation in the State, the first publication being not less than twenty-one days prior to such hearing and the last publication being not more than two days prior to the scheduled hearing. The applicant or applicants will notify their consumers or patrons of the proposed change in rates and of the time and place of the hearing not less than one week prior to the date set, the manner and the fact of notification to be reported to the commission prior to the date of hearing. The commission is authorized to use such additional media as radio or television to advise the public if it finds it necessary to do so. The commission, upon notice to the public utility, may suspend the operation of any proposed rate, fare, charge, classification, schedule, rule or practice or any proposed abandonment or modification thereof or departure therefrom and after a hearing by order regulate, fix and change all such rates, fares, charges, classifications, schedules, rules and practices, so that the same shall be just and reasonable, and prohibit rebates and unreasonable discrimination between localities, or between users or consumers, under substantially similar conditions, regulate the manner in which the property of every public utility is operated with reference to the safety and accommodation of the public, prescribe its form and method of keeping accounts, books and records, and its accounting system, regulate the return upon its public utility property, the incurring of indebtedness relating to its public utility business, and its financial transactions, and do all things in addition which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable, and such as shall provide a fair return on the property of the utility actually used or useful for public utility purposes. From every order made by the commission under the provisions of this chapter an appeal shall lie to the supreme court in like manner as an appeal lies from an order or decision of a circuit judge at chambers. The appeal shall not of itself stay the operation of the order appealed from, but the supreme court may stay the same after a hearing upon a motion therefor, upon such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a resti-

tution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained in whole or in part.”

**SECTION 2.** This Act shall take effect upon its approval.

(Approved June 7, 1967.)