

ACT 124

H.B. NO. 2375-76

A Bill for an Act Relating to the Director of Regulatory Agencies as Consumer Advocate before the Public Utilities Commission and Making an Appropriation therefor.

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

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding a new part, to be appropriately designated, and to read as follows:

“PART . CONSUMER ADVOCATE

Sec. 269- Consumer advocate; director of regulatory agencies. The director of regulatory agencies shall be the consumer advocate in hearings before the public utilities commission. He shall represent, protect, and advance the interest of consumers of utility services. The consumer advocate shall not receive any salary in addition to his salary as director of regulatory agencies.

The responsibility for advocating the interests of the consumer of utility services shall be separate and distinct from the responsibilities of the public utilities commission and those assistants employed by the commission. As consumer advocate, the director of regulatory agencies shall have full rights to participate as a party in interest in all proceedings before the public utilities commission.

Sec. 269- Public utilities division; personnel. There shall be a public utilities division within the department of regulatory agencies to provide administrative support to the director of regulatory agencies acting in his capacity as consumer advocate. The director may employ and at pleasure dismiss an executive administrator, who shall be exempt from chapters 76 and 77, and define his powers and duties and fix his compensation. The director may employ such engineers, accountants, investigators, clerks, stenographers, and other assistants as may be necessary for the performance of the consumer advocate's functions, subject to chapters 76 and 77.

Sec. 269- Legal counsel. The attorney general and his deputies shall act as attorneys for the consumer advocate.

Sec. 269- General powers; duties. (a) The consumer advocate shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this part.

- (b) The consumer advocate may:
- (1) Adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this part.
 - (2) Conduct investigations to secure information useful in lawful administration of any provision of this part.
 - (3) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of the consumer in the public utilities field.
 - (4) Study the operation of laws affecting consumers of utility services and recommend to the governor and the legislature new laws and amendments of laws in the consumers' interest in the public utilities field.
 - (5) Organize and hold conferences on problems affecting consumers of utility services.
 - (6) Perform such other acts as may be incidental to the exercise of the functions, powers, and duties set forth in this section.
 - (7) Represent the interests of consumers of utility services before any state or federal agency or instrumentality having jurisdiction over matters which affect those interests.
- (c) Whenever it appears to the consumer advocate that any public utility

has: (1) violated or failed to comply with any provision of this part or of any state or federal law; or (2) failed to comply with any rule, regulation, or other requirement of the public utilities commission or of any other state or federal agency; or (3) failed to comply with any provision of its charter or franchise; or (4) that changes, additions, extensions, or repairs to the plant or service of any utility are necessary to meet the reasonable convenience or necessity of the public; or (5) that any rates, fares, classifications, charges, or rules of any public utility are unreasonable or unreasonably discriminatory, he may institute proceedings for appropriate relief before the public utilities commission. The consumer advocate may appeal any final decision and order in any proceeding to which he is a party in the manner provided by law.

(d) The consumer advocate may file with the commission and serve on any public utility a request in writing to furnish any information reasonably relevant to any matter or proceeding before the commission or reasonably required by the consumer advocate to perform his duties hereunder. Any such request shall set forth with reasonable specificity the purpose for which the information is requested and shall designate with reasonable specificity the information desired. The public utility shall comply with such request within the time limit set forth by the consumer advocate unless within ten days following service it requests a hearing on the matter before the public utilities commission and states its reasons therefor. If a hearing is requested, the public utilities commission shall proceed to hold the hearing and make its determination on the request within 30 days after the same is filed. The consumer advocate or the public utility may appeal to the supreme court the decision of the commission on any such request. Subject to the foregoing, such requests may ask the public utility to: (1) furnish any information with which the director may require concerning the condition, operations, practices, or services of the public utility; (2) produce and permit the consumer advocate or his representative to inspect and copy any designated documents (including writings, drawing, graphs, charts, photographs, recordings, and other data compilations from which information can be obtained), or to inspect and copy, test, or sample any designated tangible thing which is in the possession, custody, or control of the public utility; or (3) to permit entry upon land or other property in the possession or control of the utility for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object thereon.

Sec. 269- Handling of complaints. The consumer advocate shall provide a central clearing house of information by collecting and compiling all consumer complaints and inquiries concerning public utilities and shall monitor the handling of consumer complaints by the public utilities commission.”

SECTION 2. This Act shall take effect on June 1, 1976.

(Approved May 17, 1976.)