

**ACT 127**

H.B. NO. 2027-86

A Bill for an Act Relating to Public Utilities.

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

SECTION 1. Section 269-7.5, Hawaii Revised Statutes, is amended to read as follows:

“[ ]§269-7.5[ ] ] **Certificates of public convenience and necessity.** (a) No [person which holds itself out to the general public as a] public utility, as defined in section 269-1, shall commence its business without first having obtained from the commission a certificate of public convenience and necessity. Applications for certificates shall be made in writing to the commission and shall comply with the requirements prescribed in the commission’s [regulations, and rules of

practice and procedure] rules. The application shall include the type of service to be performed, the geographical scope of the operation, the type of equipment to be employed in the service, the name of competing utilities for the proposed service, a statement of its financial ability to render the proposed service, a current financial statement of the applicant, and the rates or charges proposed to be charged including the rules and regulations governing the proposed service.

(b) A certificate shall be issued to any qualified applicant [therefor], authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the terms, conditions, and rules [and regulations promulgated] adopted by the commission [thereunder], and that the proposed service is, or will be, required by the present or future public convenience and necessity; otherwise [such] the application shall be denied. Any certificate issued shall specify the service to be rendered and there shall be attached to the exercise of the privileges granted by the certificate at the time of issuance and from time to time thereafter, such reasonable conditions and limitations as a public convenience and necessity may require. The reasonableness of the rates, charges, and tariff rules and regulations proposed by the applicant shall be determined by the commission during the same proceeding examining the present and future conveniences and needs of the public and qualifications of the applicant, in accordance with the standards set forth in section 269-16.

(c) No public utility which holds a franchise or charter enacted or granted by the legislative or executive authority of the State or its predecessor governments, or which has a bona fide operation as a public utility heretofore recognized by the commission, shall be required to obtain a certificate of public convenience and necessity under this section.

(d) Any certificate may, upon application of the holder [thereof] and [in] at the discretion of the public utilities commission, be amended, suspended, or revoked, in whole or in part. The commission after notice and hearing may suspend, amend, or revoke any certificate in part or in whole, if the holder [thereof] is found to be in wilful violation of any of the provisions of this chapter or with any lawful order[,], or rule [or regulation] of the commission [promulgated] adopted thereunder, or with any term, condition, or limitation of the certificate.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 8, 1986.)