

ACT 260

H.B. NO. 1405

A Bill for an Act Relating to the Public Utilities Commission.

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

PART I

SECTION 1. The legislature finds that transparency in the process of purchasing renewable electricity generated from nonfossil fuel sources serves the interests of independent power producers who compete to sell energy to the energy utilities and the rate-paying public by creating an opportunity for review and oversight of the public utilities commission's decision-making process.

The purpose of this part is to increase transparency in power purchase contracts for renewable energy by requiring the public utilities commission to include a summary of power purchase agreements, including pricing, in effect during the applicable fiscal year in its annual report to the governor.

SECTION 2. Section 269-5, Hawaii Revised Statutes, is amended to read as follows:

"§269-5 Annual report and register of orders. The public utilities commission shall prepare and present to the governor, through the director of finance,

in the month of January in each year a report respecting its actions during the preceding fiscal year. This report shall include summary information and analytical, comparative, and trend data concerning major regulatory issues acted upon and pending before the commission; cases processed by the commission, including their dispositions; utility company operations, capital improvements, and rates; utility company performance in terms of efficiency and quality of services rendered; a summary of power purchase agreements, including pricing, in effect during the fiscal year; environmental matters having a significant impact upon public utilities; actions of the federal government affecting the regulation of public utilities in Hawaii; long and short-range plans and objectives of the commission; together with the commission's recommendations respecting legislation and other matters requiring executive and legislative consideration. Copies of the annual reports shall be furnished by the governor to the legislature. In addition, the commission shall establish and maintain a register of all its orders and decisions, which shall be open and readily available for public inspection, and no order or decision of the commission shall take effect until it is filed and recorded in this register."

PART II

SECTION 3. Section 269-121, Hawaii Revised Statutes, is amended to read as follows:

“§269-121 Public benefits fee authorization. (a) The public utilities commission, by order or rule, may require that all or a portion of the moneys collected by Hawaii's electric utilities from its ratepayers through a demand-side management surcharge be transferred to a third-party administrator contracted by the public utilities commission. The moneys transferred shall be known as the public benefits fee.

(b) The public benefits fee shall be used to support ~~[energy efficiency]~~ clean energy technology, demand response technology, and energy use reduction, and demand-side management infrastructure, programs, and services, subject to the review and approval of the public utilities commission. These moneys shall not be available to meet any current or past general obligations of the State; provided that the State may participate in any ~~[energy efficiency or]~~ clean energy technology, demand response technology, or energy use reduction, and demand-side management infrastructure, programs, and services on the same basis as any other electric consumer.

For the purpose of this subsection, “clean energy technology” means any commercially available technology that enables the State to meet the renewable portfolio standards, established pursuant to section 269-92, or the energy-efficiency portfolio standards, established pursuant to section 269-96, approved by the public utilities commission by rule or order.

(c) Nothing in this section shall create or be construed to cause the public benefits fee to be considered state or public moneys subject to appropriation by the legislature or be required to be deposited into the state treasury.”

PART III

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2013.

(Approved July 3, 2013.)