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# A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

**PART I**

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

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

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

16 "**§269-5 Annual report and register of orders.** The public  
17 utilities commission shall prepare and present to the governor,  
18 through the director of finance, in the month of January in each



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

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**PART II**

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

3 "**§269-121 Public benefits fee authorization.** (a) The  
4 public utilities commission, by order or rule, may require that  
5 all or a portion of the moneys collected by Hawaii's electric  
6 utilities from its ratepayers through a demand-side management  
7 surcharge be transferred to a third-party administrator  
8 contracted by the public utilities commission. The moneys  
9 transferred shall be known as the public benefits fee.

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

21 For the purpose of this subsection, "clean energy  
22 technology" means any commercially available technology that



1 enables the State to meet the renewable portfolio standards,  
2 established pursuant to section 269-92, or the energy-efficiency  
3 portfolio standards, established pursuant to section 269-96,  
4 approved by the public utilities commission by rule or order.

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

9 **PART III**

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

12 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Renewable Energy; Public Utilities Commission; Public Benefits Fee

**Description:**

Requires the Public Utilities Commission to include a summary of the power purchase agreements in effect during the fiscal year in its annual report to the Governor. Clarifies the use of the public benefits fee under section 269-121, Hawaii Revised Statutes, to support clean energy technology, demand response technology, and energy use reduction, and demand-side management infrastructure. Effective July 1, 2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

