
A BILL FOR AN ACT

RELATING TO RENEWABLE STANDARDS.

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

1 SECTION 1. The legislature finds that Hawaii's dependency
2 on imported fuel drains the State's economy of billions of
3 dollars each year. A stronger local economy depends on a
4 transition away from imported fuels and toward renewable local
5 resources that provide a secure source of affordable energy.

6 The legislature further finds that alternative energy
7 technologies have advanced significantly in recent years, leading
8 to an explosion of new markets, jobs, and local energy sources.
9 Due to these and other advances, Hawaii is currently ahead of its
10 timeline in reaching its goal of becoming forty per cent
11 renewable by 2030.

12 The legislature also finds that Hawaii is in a period of
13 energy transition, with many long-term agreements soon to be
14 executed for new forms of imported fuels that may act as
15 temporary "bridge" fuels until local sources of renewable energy
16 can be developed.

17 The purpose of this Act is to update and extend Hawaii's
18 clean energy initiative and renewable portfolio standards to
19 ensure maximum long-term benefit to Hawaii's economy by setting a
20 goal of one hundred per cent renewable by 2050; provided that



1 extending the renewable portfolio standard goals and transition
2 to energy independence beyond 2030 shall be undertaken in a
3 manner that benefits Hawaii's economy and all electric customers,
4 maintains customer affordability, and does not induce renewable
5 energy developers to artificially increase the price of renewable
6 energy in Hawaii. This target will ensure that Hawaii moves
7 beyond its dependence on imported fuels and continues to grow a
8 local renewable energy industry.

9 SECTION 2. Section 269-92, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) Each electric utility company that sells electricity
13 for consumption in the State shall establish a renewable
14 portfolio standard of:

- 15 (1) Ten per cent of its net electricity sales by
16 December 31, 2010;
- 17 (2) Fifteen per cent of its net electricity sales by
18 December 31, 2015;
- 19 (3) Twenty-five per cent of its net electricity sales by
20 December 31, 2020; ~~and~~
- 21 (4) Forty per cent of its net electricity sales by
22 December 31, 2030~~[-]~~i



1 (5) Seventy per cent of its net electricity sales by
2 December 31, 2035; and

3 (6) One hundred per cent of its net electricity sales by
4 December 31, 2050."

5 2. By amending subsection (d) to read:

6 "(d) Events or circumstances that are outside of an
7 electric utility company's reasonable control may include, to
8 the extent the event or circumstance could not be reasonably
9 foreseen and ameliorated:

- 10 (1) Weather-related damage;
- 11 (2) Natural disasters;
- 12 (3) Mechanical or resource failure;
- 13 (4) Failure of renewable electrical energy producers to
14 meet contractual obligations to the electric utility
15 company;
- 16 (5) Labor strikes or lockouts;
- 17 (6) Actions of governmental authorities that adversely
18 affect the generation, transmission, or distribution
19 of renewable electrical energy under contract to an
20 electric utility company;



- 1 (7) Inability to acquire sufficient renewable electrical
- 2 energy due to lapsing of tax credits related to
- 3 renewable energy development;
- 4 (8) Inability to obtain permits or land use approvals for
- 5 renewable electrical energy projects;
- 6 (9) Inability to acquire sufficient cost-effective
- 7 renewable electrical energy;
- 8 (10) Inability to acquire sufficient renewable electrical
- 9 energy to meet the 2035 and 2050 renewable portfolio
- 10 standard goals in a manner that is beneficial to
- 11 Hawaii's economy in relation to comparable fossil fuel
- 12 resources;
- 13 [~~(10)~~] (11) Substantial limitations, restrictions, or
- 14 prohibitions on utility renewable electrical energy
- 15 projects; and
- 16 [~~(11)~~] (12) Other events and circumstances of a similar
- 17 nature."

18 SECTION 3. Section 269-95, Hawaii Revised Statutes, is
 19 amended to read as follows:

20 "**§269-95 Renewable portfolio standards study.** The public
 21 utilities commission shall:



- 1 (1) By December 31, 2007, develop and implement a utility
2 ratemaking structure, which may include performance-
3 based ratemaking, to provide incentives that encourage
4 Hawaii's electric utility companies to use cost-
5 effective renewable energy resources found in Hawaii
6 to meet the renewable portfolio standards established
7 in section 269-92, while allowing for deviation from
8 the standards in the event that the standards cannot
9 be met in a cost-effective manner or as a result of
10 events or circumstances, such as described in section
11 269-92(d), beyond the control of the utility that
12 could not have been reasonably anticipated or
13 ameliorated;
- 14 (2) Gather, review, and analyze empirical data to:
- 15 (A) Determine the extent to which any proposed
16 utility ratemaking structure would impact
17 electric utility companies' profit margins; and
- 18 (B) Ensure that the electric utility companies'
19 opportunity to earn a fair rate of return is not
20 diminished;



1 (3) Use funds from the public utilities special fund to
2 contract with the Hawaii natural energy institute of
3 the University of Hawaii to conduct independent
4 studies to be reviewed by a panel of experts from
5 entities such as the United States Department of
6 Energy, National Renewable Energy Laboratory, Electric
7 Power Research Institute, Hawaii electric utility
8 companies, environmental groups, and other similar
9 institutions with the required expertise. These
10 studies shall include findings and recommendations
11 regarding:

12 (A) The capability of Hawaii's electric utility
13 companies to achieve renewable portfolio
14 standards in a cost-effective manner and shall
15 assess factors such as:

16 (i) The impact on consumer rates;
17 (ii) Utility system reliability and stability;
18 (iii) Costs and availability of appropriate
19 renewable energy resources and
20 technologies[+], including the impact of
21 renewable portfolio standards, if any, on



1 the energy prices offered by renewable
2 energy developers;
3 (iv) Permitting approvals;
4 (v) Effects on the economy;
5 (vi) Balance of trade, culture, community,
6 environment, land, and water;
7 (vii) Climate change policies;
8 (viii) Demographics; and
9 (ix) Other factors deemed appropriate by the
10 commission; and
11 (B) Projected renewable portfolio standards to be set
12 five and ten years beyond the then current
13 standards;
14 (4) Evaluate the renewable portfolio standards every five
15 years, beginning in 2013, and may revise the standards
16 based on the best information available at the time to
17 determine if the standards established by section
18 269-92 remain effective and achievable; and
19 (5) Report its findings and revisions to the renewable
20 portfolio standards, based on its own studies and
21 other information, to the legislature no later than



1 twenty days before the convening of the regular
2 session of 2014, and every five years thereafter."

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

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



Report Title:

Renewable Portfolio Standards; Energy Independence; Clean Energy Initiative; Public Utilities Commission

Description:

Increases renewable portfolio standards to seventy per cent by 12/31/2035 and one hundred per cent by 12/31/2050, unless the acquisition of renewable energy is not beneficial to Hawaii's economy. Clarifies and establishes events or circumstances that are outside of an electric utility company's reasonable control. Requires the public utilities commission to report on cost-effectiveness of renewable portfolio standards to address the impact on renewable energy developer energy prices. Effective 07/01/2050. (SD2)

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