



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LT. GOVERNOR

**STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
House Committee on Energy & Environmental Protection  
Tuesday, February 2, 2021  
8:30 a.m.  
Via Videoconference**

**On the following measure:  
H.B. 78, RELATING TO THE UNDERGROUND CONSTRUCTION OF  
HIGH-VOLTAGE ELECTRIC TRANSMISSION LINES**

Chair Lowen and Members of the Committee:

My name is Dean Nishina, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department supports this bill.

The purpose of this bill is to eliminate the requirement for a public utility to seek approval from the Public Utilities Commission (Commission) for the underground construction of high-voltage electric transmission lines if certain conditions are met.

The Department appreciates the bill's intent to reduce the workload of the Commission and the Department for electric transmission projects that may be uncontroversial and that are subject to the conditions set forth in this bill. However, the Department has concerns about a minor deviation in the wording in subsection (d)(2) from previous versions of this bill. Subsection (d)(2) on page 4, lines 18 through 20, reads: "The entire cost due to building underground, rather than above-ground, is paid by an entity other than the public utility[.]" In contrast, previous iterations read: "The

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entire cost due to building underground, rather than above-ground, is paid by an entity as a contribution in aid of construction.” This prior language would eliminate ambiguity about the regulatory treatment of costs covered by an entity other than the public utility.

Thank you for the opportunity to testify on this bill.



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
ENERGY & ENVIRONMENTAL PROTECTION**

**H.B.78**

**Relating to the Underground Construction  
Of High-Voltage Electric Transmission  
Lines**

February 2, 2021  
8:30AM, Agenda Item 2  
State Capitol, Conference Room 325

Dave Okamura  
Director, Engineering  
Hawaiian Electric Company

Dear Chair Lowen, Vice Chair Marten, and Members of the Committee,

My name is Dave Okamura and I am testifying on behalf of Hawaiian Electric Company (Hawaiian Electric) **in support** of H.B. 78, Relating to the Underground Construction of High-Voltage Electrical Transmission Lines.

Hawaiian Electric supports the intent of this bill which is to streamline the regulatory process while maintaining appropriate oversight by the Public Utilities Commission. This bill proposes that in cases where the entire cost to underground a new 46,000 volt or greater electric transmission line is paid for by an entity other than the public utility, a report will be submitted in lieu of an application to the Public Utilities Commission requesting formal approval. This will save the Public Utilities Commission and the Department of Commerce and Consumer Affairs time and resources and still provide necessary cost safeguards for Hawaiian Electric customers.

Accordingly, the Hawaiian Electric Company supports H.B. 78. Thank you for the opportunity to testify.

TESTIMONY OF  
JAMES P. GRIFFIN, Ph.D.  
CHAIR, PUBLIC UTILITIES COMMISSION  
STATE OF HAWAII

TO THE  
HOUSE COMMITTEE ON  
ENERGY & ENVIRONMENTAL PROTECTION

February 2, 2021  
8:30 a.m.

Chair Lowen and Members of the Committee:

**MEASURE:** H.B. No. 78

**TITLE:** RELATING TO THE UNDERGROUND CONSTRUCTION OF HIGH-VOLTAGE ELECTRIC TRANSMISSION LINES.

**DESCRIPTION:** Eliminates the requirement for a public utility to seek approval from the public utilities commission for the underground construction of high-voltage electric transmission lines if certain conditions are met.

**POSITION:**

The Public Utilities Commission (“Commission”) supports this measure and offers the following comments for consideration.

**COMMENTS:**

The Commission supports the intent of this measure to streamline the regulatory process while maintaining appropriate oversight of public utility operations and investments. The Commission currently reviews all proposals for the construction of high-voltage transmission lines, in order to determine whether transmission line systems should be built above or below ground. As part of that review, the Commission evaluates whether the benefits of undergrounding, as opposed to overhead construction, justify the total cost to the utility’s ratepayers, noting that it is often significantly more expensive to build transmission lines below ground than above ground. When the utility is paying these costs, the burden is passed onto ratepayers.

The Commission notes that the changes proposed in this bill would only exempt public utilities from the requirement to obtain Commission approval of constructing underground

high-voltage transmission line systems when the cost of undergrounding is paid for by “an entity other than the public utility.” Under the current statutory language, public utilities must obtain approval for constructing underground transmission systems even when an agency, developer, or other third party is responsible for the cost of undergrounding.

However, if an entity other than a public utility is responsible for the cost of undergrounding, there is no direct ratepayer burden to weigh against the benefits of undergrounding. Under the current statutory language, a public utility is still required to obtain Commission review and approval in such a case.

The Commission views this measure as an effort to make the approval process for underground transmission line systems more efficient when there is no additional cost to ratepayers.

Thank you for the opportunity to testify on this measure.