

S.B. NO. 1042

JAN 24 2013

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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:**

1 SECTION 1. The purpose of this Act is to update codified  
2 position descriptions for public utilities commission staff.  
3 This Act amends existing position service types specifically  
4 provided for under section 269-3, Hawaii Revised Statutes, and  
5 position descriptions under Act 177, Session Laws of Hawaii  
6 2007, to allow the commission to recruit and hire employees with  
7 the right combination of skills and experience demanded by the  
8 commission's evolving set of responsibilities.

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

11 "§269-3 **Employment of assistants.** (a) The chairperson of  
12 the public utilities commission may appoint and employ [~~clerks,~~  
13 ~~stenographers, agents, engineers, accountants,~~] professional  
14 staff and other assistants for the public utilities commission  
15 as the chairperson finds necessary for the performance of the  
16 commission's functions and define their powers and duties. The  
17 chairperson may appoint and, at pleasure, dismiss a chief  
18 administrator [~~and~~] , chief of policy and research, attorneys,

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1 hearings officers, and other professional staff as may be  
2 necessary [-] , and who shall be exempt from chapter 76.  
3 Notwithstanding section 103D-209, the chairperson shall appoint  
4 one or more attorneys independent of the attorney general who  
5 shall act as attorneys for the commission and define their  
6 powers and duties and fix their compensation. [~~The chief~~  
7 ~~administrator, chief of policy and research, chief of~~  
8 ~~administrative support, chief of consumer affairs and~~  
9 ~~compliance, utility analysts, and attorneys shall be exempt from~~  
10 ~~chapter 76. Research assistants,~~] The chief of consumer affairs  
11 and compliance, chief of administrative support, research  
12 assistants, utility analysts, economists, legal secretaries,  
13 legal assistants, [and] enforcement officers, and other  
14 professional staff may be appointed with or without regard to  
15 chapter 76. Other employees shall be appointed as may be needed  
16 by the chairperson in accordance with chapter 76.

17 (b) Notwithstanding section 91-13, the commission may  
18 consult with its assistants appointed under authority of this  
19 section in any contested case or agency hearing concerning any  
20 issue of facts. Neither the commission nor any of its  
21 assistants shall in such proceeding consult with any other  
22 person or party except upon notice and an opportunity for all

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1 parties to participate, save to the extent required for the  
2 disposition of ex parte matters authorized by law."

3 SECTION 3. Act 177, Session Laws of Hawaii 2007, section  
4 1, is amended by amending subsection (c) to read as follows:

5 "(c) The purpose of this Act is to enhance the ability of  
6 the public utilities commission to carry out its duties and  
7 responsibilities by:

8 (1) Requiring the commission to restructure its operations  
9 ~~[pursuant to the commission's December 2006, report to~~  
10 ~~the legislature,]~~ to improve its effectiveness and  
11 efficiency; and

12 (2) Authorizing the public utilities commission to  
13 consider the need for increased renewable energy use  
14 in exercising its authority and duties."

15 SECTION 4. Act 177, Session Laws of Hawaii 2007, is  
16 amended by amending section 4 to read as follows:

17 "SECTION 4. ~~[(a) The public utilities commission shall~~  
18 ~~restructure its operations as provided for in part IV of the~~  
19 ~~public utilities commission's report to the legislature required~~  
20 ~~pursuant to Act 143, Session Laws of Hawaii, 2006.~~

21 ~~(b) The restructuring shall include the following:~~

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- 1       ~~(1) The existing research section shall be expanded to~~  
2           ~~include policy support positions and functions, and~~  
3           ~~shall be renamed the office of policy and research;~~
- 4       ~~(2) The consumer affairs and compliance section shall be~~  
5           ~~responsible for consumer relations and investigation~~  
6           ~~and enforcement activities of the public utilities~~  
7           ~~commission;~~
- 8       ~~(3) The administrative support section shall be supervised~~  
9           ~~by the chief of administrative support and shall be~~  
10          ~~comprised of clerical services staff, case management~~  
11          ~~services staff, fiscal services staff, and information~~  
12          ~~technology staff;~~
- 13       ~~(4) Staffing shall be increased with the addition of the~~  
14          ~~following positions:~~
- 15          ~~(A) For fiscal year 2008-2009:~~
- 16               ~~(i) A public utilities commission attorney shall~~  
17               ~~be responsible for providing, among other~~  
18               ~~things, legal support in petroleum dockets~~  
19               ~~and initiatives statewide, and for complaint~~  
20               ~~and inquiry handling;~~
- 21               ~~(ii) A legal assistant shall assist the chief~~  
22               ~~counsel in all facets of legal work;~~

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- 1           ~~(iii) A data processing systems analyst V shall be~~
- 2                     ~~responsible for supervising information~~
- 3                     ~~technology services staff, administering the~~
- 4                     ~~document and docket management system, and~~
- 5                     ~~assisting with petroleum monitoring system~~
- 6                     ~~database management;~~
- 7           ~~(iv) A legal clerk shall be responsible for case~~
- 8                     ~~management services clerical support,~~
- 9                     ~~assisting the chief clerk, and performing~~
- 10                    ~~duties as citation clerk;~~
- 11           ~~(v) An auditor VI shall be responsible for~~
- 12                     ~~energy and petroleum dockets and issues and~~
- 13                     ~~for conducting field audit inspections;~~
- 14           ~~(vi) An engineer V shall be responsible for~~
- 15                     ~~energy and petroleum dockets and issues,~~
- 16                     ~~energy utility field inspections, and~~
- 17                     ~~informal inquiry handling; and~~
- 18           ~~(vii) A chief of consumer affairs and compliance~~
- 19                     ~~shall be responsible for supervising the~~
- 20                     ~~consumer affairs and compliance section; and~~
- 21           ~~(B) For fiseal year 2009-2010:~~

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- 1                   ~~(i) A public utilities commission attorney shall~~  
2                                   ~~be responsible for legal support in~~  
3                                   ~~telecommunications, dockets and issues,~~  
4                                   ~~legislative and rulemaking initiatives,~~  
5                                   ~~drafting and updating rules, and serving as~~  
6                                   ~~a hearings officer;~~
- 7                   ~~(ii) A legal clerk shall be responsible for case~~  
8                                   ~~management services clerical support,~~  
9                                   ~~assisting the chief clerk, and performing~~  
10                                   ~~duties as citations clerk;~~
- 11                   ~~(iii) An account clerk III shall be responsible~~  
12                                   ~~for handling the pCard system, maintaining~~  
13                                   ~~physical inventory, keeping fiscal records,~~  
14                                   ~~and providing fiscal support for the~~  
15                                   ~~commission;~~
- 16                   ~~(iv) An auditor VI shall be responsible for~~  
17                                   ~~telecommunications and utility dockets and~~  
18                                   ~~related issues and conducting field audit~~  
19                                   ~~inspections;~~
- 20                   ~~(v) An engineer V shall be responsible for~~  
21                                   ~~telecommunications and utility dockets and~~  
22                                   ~~related issues, telecommunications and~~

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1 utility field inspections, and pipeline  
2 safety inspection; and  
3 ~~(vi) Two research assistants shall be responsible~~  
4 ~~for docket, non docket, legislative, and~~  
5 ~~industry research, analysis, and reporting;~~  
6 ~~(5) Twelve existing positions shall be redescribed as~~  
7 ~~follows:~~  
8 ~~(A) An existing attorney shall be redescribed as~~  
9 ~~chief counsel to accurately reflect supervisory~~  
10 ~~functions of this position, including~~  
11 ~~responsibility and management of the office of~~  
12 ~~commission counsel, acting as a counsel to the~~  
13 ~~commission, and handling commission related media~~  
14 ~~correspondence;~~  
15 ~~(B) An existing research assistant position shall be~~  
16 ~~redescribed as chief of administrative support to~~  
17 ~~accurately reflect the administrative~~  
18 ~~responsibilities of the position, including~~  
19 ~~supervising clerical, case management, fiscal,~~  
20 ~~and information technology staff;~~  
21 ~~(C) An existing chief researcher shall be redescribed~~  
22 ~~as chief of policy and research to accurately~~

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1 ~~represent the additional responsibilities of the~~  
2 ~~policy arm of the policy and research services~~  
3 ~~section. The chief of policy and research shall~~  
4 ~~manage the utility analysts, research assistants,~~  
5 ~~and economists; advise the commission on all~~  
6 ~~regulated industry related matters and government~~  
7 ~~policy; and oversee legislative initiatives,~~  
8 ~~media relations, and special projects;~~

9 ~~(D) The chief engineer shall be increased from level~~  
10 ~~V to level VI to enable the commission to recruit~~  
11 ~~for the position at a higher level and to allow~~  
12 ~~staff level engineers to move to level V;~~

13 ~~(E) The existing legal stenographer shall be~~  
14 ~~redescribed as a legal assistant to update this~~  
15 ~~position since stenographers are no longer~~  
16 ~~recruited due to outdated position descriptions;~~

17 ~~(F) The existing clerk typist III position shall be~~  
18 ~~redescribed as a legal clerk to elevate the~~  
19 ~~qualifications of the position and to help meet~~  
20 ~~new functional requirements, including~~  
21 ~~maintenance of a new document and docket~~



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1                   ~~management systems and increased citation~~  
2                   ~~activity;~~

3                   ~~(G) An existing research assistant position shall be~~  
4                   ~~redescribed as an investigator V to accurately~~  
5                   ~~reflect senior level responsibilities of the~~  
6                   ~~position; and~~

7                   ~~(H) Five existing research assistants shall be~~  
8                   ~~redescribed as utility analysts to allow for~~  
9                   ~~increased industry expertise and focus necessary~~  
10                  ~~for the new policy making function of the policy~~  
11                  ~~and research section;~~

12                  ~~(6) The following temporary positions, relating to gas cap~~  
13                  ~~and petroleum monitoring, shall be converted to~~  
14                  ~~permanent positions to promote successful recruitment~~  
15                  ~~and retention of qualified individuals:~~

16                  ~~(A) Public utilities commission economist;~~

17                  ~~(B) Public utilities commission attorney;~~

18                  ~~(C) Two utility analysts (previously research~~  
19                  ~~assistants);~~

20                  ~~(D) Clerk typist II;~~

21                  ~~(E) Enforcement officer; and~~

22                  ~~(F) Secretary I; and~~



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**Report Title:**

Public Utilities Commission; Staffing

**Description:**

Inserts new position titles within existing statutes describing the civil service status of Public Utilities Commission staff and repeals existing position staff descriptions for the Commission under Act 177, Session Laws of Hawaii 2007.

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

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION.

PURPOSE: To amend the description of Public Utilities Commission ("Commission") staff under section 269-3, Hawaii Revised Statutes, and repeal Commission position descriptions contained in Act 177, Session Laws of Hawaii 2007.

MEANS: Amend section 269-3, Hawaii Revised Statutes, and amend sections 1 and 4, Act 177, Session Laws of Hawaii 2007.

JUSTIFICATION: The responsibilities of the Commission continue to rapidly evolve as electrical energy issues lead our State. Act 177, Session Laws of Hawaii 2007 ("Act 177"), was enacted to solidify the Commission's plans for reorganization and increased staffing by establishing set position descriptions in anticipation of future Commission needs. Since Act 177 was enacted, the role of the Commission and the resource demands associated with helping the State achieve its progressive energy policies has undergone significant growth. The Commission needs the flexibility to hire the right personnel with the skills as demands change. This measure will provide the Commission with increased flexibility to obtain necessary staffing by (1) amending the position types currently described under statute, and (2) removing existing statutory position descriptions that restrict the Commission's ability to acquire appropriate staffing.

Impact on the public: The impact on the public will likely be positive. This measure will enable the Commission to

determine and acquire the right staffing, thereby strengthening the Commission and ultimately benefitting the general public.

Impact on the department and other agencies: Minimal impact is expected on the Department of Budget and Finance, or other agencies within the administration. The Commission will benefit greatly from the flexibility this measure will provide to seek out and hire appropriate staffing.

New Day Plan Association: This measure will allow the Commission to improve operations, making the agency better able to support the New Day Plan's energy aims, including the fair and logical increase of renewable energy resources in the State.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BUF 901.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.