

JAN 28 2015

A BILL FOR AN ACT

RELATING TO THE CONSUMER ADVOCATE.

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

1 SECTION 1. Section 269-15, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) If the public utilities commission is of the opinion
4 that any public utility or any person is violating or neglecting
5 to comply with any provision of this chapter or of any rule,
6 regulation, order, or other requirement of the commission, or of
7 any provisions of its franchise, charter, or articles of
8 association, if any, or that changes, additions, extensions, or
9 repairs are desirable in its plant or service to meet the
10 reasonable convenience or necessity of the public, or to insure
11 greater safety or security, or that any rates, fares,
12 classifications, charges, or rules are unreasonable or
13 unreasonably discriminatory, or that in any way it is doing what
14 it ought not to do, or not doing what it ought to do, it shall
15 in writing inform the public utility or the person and may
16 institute such proceedings before it as may be necessary to
17 require the public utility or the person to correct any such
18 deficiency. In such event, the commission may by order direct

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1 the [~~director of commerce and consumer affairs~~] consumer
2 advocate to appear in such proceeding, to carry out the purposes
3 of this section. The commission may examine into any of the
4 matters referred to in section 269-7, notwithstanding that the
5 same may be within the jurisdiction of any court or other body;
6 provided that this section shall not be construed as in any
7 manner limiting or otherwise affecting the jurisdiction of any
8 such court or other body."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



BY REQUEST

S.B. NO. 1097

Report Title:

Consumer Advocate; Public Utilities Commission; Violations;
Regulatory Proceedings

Description:

Clarifies section 269-15(a), Hawaii Revised Statutes, so that the Public Utilities Commission may order the Consumer Advocate, rather than the Director of the Department of Commerce and Consumer Affairs, to appear in regulatory proceedings initiated by the Commission to enforce chapter 269, Hawaii Revised Statutes, and related requirements.

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: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE.

PURPOSE: To clarify that the Public Utilities Commission ("Commission") may order the Consumer Advocate, rather than the Director of the Department of Commerce and Consumer Affairs ("DCCA Director"), to appear in regulatory proceedings initiated by the Commission to enforce chapter 269, Hawaii Revised Statutes, and related requirements.

MEANS: Amend section 269-15(a), Hawaii Revised Statutes.

JUSTIFICATION: Act 108, Session Laws of Hawaii 2014 ("Act 108"), amended section 269-51, Hawaii Revised Statutes, by expressly designating the Executive Director of the Division of Consumer Advocacy within the Department of Commerce and Consumer Affairs to be the Consumer Advocate. Prior to this amendment, the DCCA Director had been statutorily designated as the Consumer Advocate. Section 269-15(a), Hawaii Revised Statutes, currently authorizes the Commission to order the DCCA Director, not the Consumer Advocate, to appear in regulatory enforcement proceedings the Commission initiates. Given the amendments in Act 108 concerning the Consumer Advocate, section 269-15(a), Hawaii Revised Statutes, should be amended to be consistent with the current law.

Impact on the public: The impact of this change on the public will be positive. This measure eliminates any inconsistent treatment of the DCCA Director between Act 108 and section 269-15(a), Hawaii Revised Statutes.

Impact on the department and other agencies:
This measure is expected to have a positive impact on the Commission, the Division of Consumer Advocacy, and the Department of Commerce and Consumer Affairs. Again, any potential confusion between Act 108 and section 269-15(a), Hawaii Revised Statutes, concerning the Consumer Advocate will be eliminated. Minimal impact is expected on other agencies within the administration not typically involved in the Commission's regulatory processes.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: CCA-901.

OTHER AFFECTED
AGENCIES: Division of Consumer Advocacy of the
Department of Commerce and Consumer Affairs.

EFFECTIVE DATE: Upon approval.