
A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES.

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

1 SECTION 1. Chapter 269, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§269- Telecommunications providers to notify of
5 deenergization of electrical lines. (a) In preparation for
6 receiving notifications regarding the deenergization of
7 electrical lines, all facilities-based mobile telecommunications
8 service providers shall:

9 (1) Designate contact points or persons within the company
10 to receive notifications from an electric utility for
11 expected deenergization of electrical lines; and

12 (2) Develop uniform protocols prior to a deenergization
13 event to respond appropriately to an outage.

14 (b) Upon receipt of a notification regarding the
15 deenergization of electrical lines, a facilities-based mobile
16 telecommunications service provider shall communicate relevant
17 information relating to the deenergization of electrical lines



1 to public safety or emergency response offices for the affected
2 areas.

3 **§269- Electric utility companies; wildfire mitigation**
4 **plan.** (a) Each electric utility in the State shall construct,
5 maintain, and operate the utility's electrical lines and
6 equipment in a manner that shall minimize the risk of
7 catastrophic wildfire posed by the electrical lines and
8 equipment.

9 (b) The commission may periodically convene community
10 outreach meetings for the purpose of helping electric utilities
11 identify, adopt, and carry out best practices regarding
12 wildfires, including but not limited to risk-based wildfire
13 protection and risk-based wildfire mitigation procedures and
14 standards.

15 (c) An electric utility shall adopt, and operate in
16 compliance with, a risk-based wildfire mitigation plan that is
17 filed with the commission and evaluated and approved by the
18 commission. The plan shall be based on reasonable and prudent
19 practices and on commission standards as adopted by rule. The
20 electric utility shall design the plan in a manner that seeks to



1 protect public safety, reduce risk to utility customers, and
2 promote electrical system resilience to wildfire damage.

3 (d) An electric utility shall submit, and annually update
4 a risk-based wildfire mitigation plan on a schedule as
5 determined by the commission. The plan shall, at a minimum:

6 (1) Identify areas that are subject to a heightened risk
7 of wildfire;

8 (2) Identify a means for mitigating wildfire risk that
9 reflects a reasonable balancing of mitigation costs
10 with the resulting reduction of wildfire risk;

11 (3) Identify preventive actions and programs that the
12 electric utility shall carry out to minimize the risk
13 of utility facilities causing a wildfire;

14 (4) After seeking input from relevant governmental
15 entities, identify a protocol for the deenergizing of
16 power lines and adjusting of power system operations
17 to mitigate wildfires, promote the safety of the
18 public and first responders, and preserve health and
19 communication infrastructure. The protocol shall
20 include:



- 1 (A) Protocols for deenergizing electrical lines that
2 consider the associated impacts on public safety,
3 including protocols related to mitigating the
4 public safety impacts on critical first
5 responders and health and communication
6 infrastructures;
- 7 (B) Procedures for notifying a customer who may be
8 impacted by the deenergizing of electrical lines;
- 9 (C) Procedures for notifying public safety offices,
10 critical first responders, health care
11 facilities, and telecommunications service
12 providers who are within the deenergizing areas
13 about the deenergizing of electrical lines; and
- 14 (D) Protocols for deenergizing electrical lines when
15 the deenergization may impact customers or
16 entities who are dependent on the infrastructure.
- 17 (5) Describe the procedures, standards, and time frames
18 that the electric utility will use to inspect utility
19 infrastructure in areas that the public utility
20 identifies under paragraph (1);



1 (6) Describe the procedures, standards, and time frames
2 that the electric utility will use to carry out
3 vegetation management in areas that the public utility
4 identifies under paragraph (1);

5 (7) Identify the estimated development, implementation,
6 and administration costs for the plan;

7 (8) Identify the community outreach and public awareness
8 efforts that the electric utility will use with
9 respect to wildfires; and

10 (9) Identify the timelines, as applicable, for
11 development, implementation, and administration of any
12 aspects of the plan.

13 (e) Not more than one hundred eighty days after an
14 electric utility files a plan or plan update, the commission
15 shall approve, approve with conditions on the plan, or update
16 the plan if the commission finds that the plan or update is
17 based on reasonable and prudent practices and designed to meet
18 all applicable rules and standards adopted by the commission.
19 The commission may, in approving the plan or updating with
20 conditions, make modifications or updates to the plan that it
21 believes represent a reasonable balancing of mitigation costs



1 with the resulting reduction of wildfire risk. The commission
2 shall issue a decision explaining any modifications at the time
3 it approves the plan. The commission may consult with and
4 consider information from governmental entities, including
5 counties, as well as other industry organizations; provided that
6 the commission identifies the nature of the consultation in its
7 decision.

8 (f) The commission may adopt rules for the implementation
9 of this section. The rules may include procedures and standards
10 regarding vegetation management, public power safety shutoffs
11 and restorations, pole materials, circuitry, and monitoring
12 systems.

13 (g) In its decision pursuant to subsection (e), the
14 commission shall determine the reasonable costs to develop,
15 implement, and administer the plan and shall authorize the
16 electric utility to recover the costs in rates. The commission
17 shall establish a method to allow timely recovery of the costs
18 it authorizes for recovery. The commission shall assess these
19 costs on a statewide basis based on the development,
20 implementation, and administration costs for the plan; provided
21 that the commission shall not assess the costs based on the



1 utility service territory that is particularly affected by any
2 aspect of the plan. The electric utility shall track the costs
3 it incurs to develop, implement, and administer the plan.

4 In its submission under subsection (d), the electric
5 utility shall report on the costs as actually incurred for the
6 most recent past period for which such information is
7 available. If the actual costs are:

8 (1) Less than the amounts the commission determined were
9 reasonable in its decision under subsection (e), the
10 commission shall direct the electric utility to refund
11 or credit such costs to ratepayers; and

12 (2) Equal to or greater than the amounts the commission
13 determined were reasonable in its decision under
14 subsection (e), then the commission shall not direct
15 the electric utility to refund to ratepayers the
16 amount the commission previously determined was
17 reasonable, but may disallow the recovery from
18 ratepayers of any additional costs the commission
19 finds were unreasonable. In connection with any
20 review:



1 (A) Actual costs that are no more than fifteen per
2 cent greater than the costs the commission
3 previously determined were reasonable shall be
4 presumed prudent and authorized for recovery from
5 ratepayers absent proof by clear and convincing
6 evidence that the costs were unreasonable; and

7 (B) The electric utility shall have the burden of
8 proving the reasonableness of actual costs that
9 are more than fifteen per cent greater than the
10 costs the commission previously determined were
11 reasonable.

12 (h) For the purposes of this section:

13 "Electric utility" means a public utility that exists for
14 the furnishing of power.

15 "The commission" refers to, unless otherwise indicated, the
16 public utilities commission.

17 "Plan" means the risk-based wildfire mitigation plan
18 described in subsection (d)."

19 SECTION 2. New statutory material is underscored.

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



Report Title:

Wildfires; Deenergizing Electrical Lines; Notification;
Telecommunications; Electric Utilities; Mitigation Plan

Description:

Requires all telecommunications service providers to communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas. Requires all electric utilities to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment. Requires each electric utility to prepare a wildfire mitigation plan and protocols for deenergizing electrical lines. (SD1)

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