

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting Proceedings)
Relating to the Determination)
of the Appropriate Fees and)
Assessments to Finance the)
Administration and Operation)
Of the One Call Center.)
_____)

DOCKET NO. 05-0195

ORDER NO. 21976

Filed August 10, 2005
At 10 o'clock A.M.

Karen Higson
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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Relating to the Determination)	
of the Appropriate Fees and)	
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Of the One Call Center.)	
_____)	

Order

By this Order, the commission institutes a proceeding to determine the appropriate fees and assessments to finance the administration and operation of the One Call Center, as required under Hawaii Revised Statutes ("HRS") Chapter 269E.

I.

Background and Procedural History

The Legislature of the State of Hawaii passed Act 141, Session Laws of Hawaii 2004, which took effect on July 1, 2004 and is presently codified as HRS Chapter 269E (aka, One Call Center law). Among other things, HRS Chapter 269E calls for the establishment of a One Call Center to coordinate the location of subsurface installations and to provide advance notice to subsurface installation operators of proposed excavation work.

In November 2004, the commission established the One Call Center Advisory Committee ("Committee"),¹ pursuant to HRS § 269E-4, to advise the commission in implementing the One Call Center law.²

In April 2005, the commission instituted an investigation (aka, Docket No. 05-0079) into the availability of experienced One Call Center providers of quality One Call Center services consistent with the requirements set forth under HRS §§ 269E-3 and 269E-5.³ HRS § 269E-5 states, in relevant part, that "[b]y January 1, 2006, the commission shall establish and begin administration of [the One Call Center] that provides advanced warning to excavators in [the State of Hawaii ("State")] of the location of subsurface installations in the area of an excavation for the purpose of protecting those installations from damage." As of the date of this Order, the commission's investigation into the availability of experienced One Call Center providers and, ultimately, the selection of a One Call Center provider that is best qualified to provide the services required under HRS Chapter 269E, is still pending.

¹HRS § 269E-4(c)(1) requires the Committee to advise the commission in "setting the appropriate fees and assessments for the administration and operation of the [One Call Center]."

²Decision and Order No. 21456, filed on November 9, 2004, in Docket No. 04-0195.

³Order No. 21710, filed on April 1, 2005, in Docket No. 05-0079.

II.

Financing the Establishment and Operation of the One Call Center

In addition to establishing the Committee and selecting the best qualified One Call Center provider, the commission is charged with determining the appropriate fees and assessments to finance the administration and operation of the One Call Center.

HRS § 269E-6 provides, in relevant part, the following:

(a) To finance the establishment and operation of the [One Call Center] and the administrative costs of the commission, operators shall pay to the commission a fee in an amount and at a schedule determined by the commission. The commission may also assess fees on excavators. All fees paid by operators and excavators shall be deposited with the director of finance to the credit of the public utilities commission special fund.

(b) All operators of subsurface installations in this State shall share in the operational and administrative costs of the [One Call Center], except where:

(1) All of the operator's subsurface installations are located on property owned exclusively by that operator; and

(2) The operator has not authorized another operator to use the property for any subsurface installation.

HRS § 269E-6(a) and (b). HRS § 269-7 and Hawaii Administrative Rules ("HAR") § 6-61-71 allows the commission to investigate any matters subject to its jurisdiction. Accordingly, in light of the above, the commission will institute an investigation to determine the appropriate fees and assessments to finance the administration and operation of the One Call Center. To assist the commission in its investigation, the commission will also make the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF

CONSUMER ADVOCACY ("Consumer Advocate")⁴ a party to this proceeding.

Moreover, to ensure a fair and objective process in the determination of the appropriate fees and assessments to finance the administration and operation of the One Call Center, the commission invites all interested public utilities, businesses, building or construction groups, trade or contractor associations and community or civic groups to participate in this docket as intervenors, or participants without intervention, so long as these persons or entities satisfy and adhere to the commission's administrative rules (aka, HAR Chapter 6-61, Rules of Practice and Procedure Before the Public Utilities Commission) governing intervention and participation in commission proceedings. See HAR §§ 6-61-55 and 6-61-56. In particular, motions to intervene or participate without intervention must be filed with the commission no later than twenty (20) days from the filing of this Order. HAR § 6-61-57(3)(B).

III.

Orders

THE COMMISSION ORDERS:

1. A proceeding is instituted to determine the appropriate fees and assessments to finance the administration and operation of the One Call Center.

⁴Pursuant to HAR § 6-61-62, the Consumer Advocate is, *ex officio*, a party to any proceeding before the commission.

2. The Consumer Advocate shall be a party to this proceeding.

3. Any persons desiring to intervene as a party or to participate without intervention in this proceeding shall file a motion to intervene or participate without intervention not later than twenty (20) days from the filing of this Order. Motions to intervene or participate without intervention shall comply with HAR Chapter 6-61, Rules of Practice and Procedure Before the Public Utilities Commission.

DONE at Honolulu, Hawaii AUG 10 2005 .

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

BY Carlito P. Caliboso
Carlito P. Caliboso, Chairman

BY Wayne H. Kimura
Wayne H. Kimura, Commissioner

BY Janet E. Kawelo
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

 Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21976 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809



Karen Higashi

DATED: August 10, 2005