



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 533, S.D. 2, RELATING TO EDUCATION.

BEFORE THE:

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

DATE: Tuesday, March 11, 2025

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi or Randall M. Wat, Deputy Attorneys General

Chair Lowen and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The current draft of the bill requires a local investor-owned electric utility to provide and fund support to public schools impacted by the utility's planned public safety power shutoff program (Program).

The Department is concerned that, as written, the current draft of the bill is vague and unclear as to what it does and how it will be accomplished. For example, the term "local investor-owned electric utility" is not a defined term in the Hawaii Revised Statutes (HRS), so a definition for that term should be provided. Additionally, the bill should be clarified to explicitly state the actions the utility should take to "support" public schools impacted by the Program, as well as the level of funding that the utility is required to provide. It is also unclear how this directive to the utility would be enforced and which entity would enforce the bill's requirements against the utility.

While the Legislature certainly has the authority to require a local investor-owned electric utility to provide and fund support to public schools impacted by the Program, the Department notes that pursuant to section 269-6(a), HRS, it is the State of Hawaii Public Utilities Commission (Commission) that has "general supervision . . . over all public utilities, and shall perform the duties and exercise the powers imposed or conferred upon it by [chapter 269, HRS]." The Commission is also authorized to

regulate rates, fares, or charges made or charged by a public utility. See section 269-16(a), HRS. Because the Department anticipates that the provision and funding of support to public schools impacted by the Program could be financed via rates, fares, or charges made or charged by the local investor-owned electric utility, the Department suggests that the Commission is the appropriate entity to oversee and direct how the utility will implement the provision and funding of support to public schools impacted by the Program, and to ensure that such support is appropriately provided in coordination with the Program and other related utility initiatives. The Department suggests revising the bill to have the Commission address any planned public safety power shutoff program by a local investor-owned electric utility, including with the possible provision of funding and support to public schools that may be impacted by such a program. The Department would be happy to work with the Legislature on revisions to best effectuate its intent.

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/11/2025

Time: 09:00 AM

Location: 325 VIA VIDEOCONFERENCE

Committee: House Energy & Environmental
Protection

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: SB 0533, SD2 RELATING TO EDUCATION.

Purpose of Bill: Requires a local investor-owned electric utility to provide and fund support to public schools impacted by the utility's planned public safety power shutoff program. Effective 7/1/2050. (SD2)

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 533 SD2, which seeks funding to assess the impact of the Public Safety Power Shutoff (PSPS) program on affected schools. Fourteen Department schools are vulnerable to PSPS events, which disrupt essential services, including communication, meal programs, and accommodations for students and staff reliant on electricity-dependent devices.

The 2023 Maui wildfires underscored the importance of preparedness. The U.S. Department of Education's after-action report identified key areas for improvement, many of which relate to the challenges posed by PSPS events. While the Department has implemented measures to enhance resilience, additional funding is needed to assess long-term solutions.

This measure would provide the necessary resources to:

- Evaluate alternative power solutions, such as generators and solar battery systems, for PSPS-affected schools;
- Assess the feasibility of establishing regional hubs stocked with emergency supplies;
- Develop training and contingency plans to maintain school operations during outages; and
- Assess fire safety measures and accommodations for electricity-dependent students and staff.

The appropriation of \$1,000,000 for fiscal years 2025-2026 and 2026-2027 will allow the Department to conduct these assessments and ensure schools are prepared for future PSPS events.

Thank you for the opportunity to provide testimony in support of SB 533 SD2.



**Hawaiian
Electric**

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

**SB 533, SD2
Relating to Education**

Tuesday, March 11, 2025
9:00 AM
State Capitol, Conference Room 325

James Abraham
Associate General Counsel
Hawaiian Electric

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

My name is James Abraham and I am providing testimony on behalf of Hawaiian Electric offering comments on SB 533, SD2, Relating to Education.

Hawaiian Electric supports the intent of this bill, which seeks to help schools impacted by the Company's Public Safety Power Shutoff (PSPS) program prepare for situations where hazardous weather conditions require preemptive outages for community safety. However, Hawaiian Electric believes that the support and funding to prepare these impacted schools should come from the Department of Education (DOE), which has oversight and understanding of the needs of each school, and respectfully requests that the language be reverted to the SD1 version. While Hawaiian Electric is committed to supporting these impacted communities and ensuring community members are prepared for potential PSPS outages, as described in the preamble of the bill the DOE would be in best position to support the needs of these schools as it has already taken steps to support their recovery and resilience. Accordingly, the language should be reverted to allow for taxpayer funding to the DOE to continue these efforts.

Hawaiian Electric conducted extensive community outreach during its PSPS planning process, including meeting with numerous government agencies and stakeholders. This included multiple meetings with both executive and leadership teams at the DOE, as well as providing updates on our plans as they were refined. Hawaiian Electric has taken steps to minimize the impact of PSPS on customers by installing sectionalizing equipment, which has allowed us to configure the system so that schools on O'ahu were removed from PSPS outage areas, although some schools on Maui and Hawai'i Island remain as they could not be removed using this method. Hawaiian Electric appreciates the DOE's ongoing work to support these impacted schools, and we believe the DOE is in the best position to establish and implement PSPS outage preparedness for these schools.

Hawaiian Electric appreciates the Committee's consideration of its comments on SB 533, SD2, and respectfully request that the Committee revert back to the SD1 language. Thank you for this opportunity to testify.