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# Hawaii beaches

## Developer shouldn't close them

Hawaii's beaches are open to the public. Period.

It's a fundamental concept based in Hawaii law and common sense, one that Ko Olina's West Beach Estates developer can't seem to grasp. It's an outrage that its security guards have been chasing people away from two of the four beaches at the West Beach Estates in Leeward Oahu.

The developer's lame excuse is those beaches are in man-made bays and have been closed for economic reasons. Its spokesman claims that the developer doesn't have enough money to staff lifeguards there full-time, and the developer fears liability for any accidents.

It's odd that the developer would have enough money to hire security guards to chase beachgoers away, but not enough for lifeguards. Of

course, most Hawaii beaches don't have lifeguards.

More important, it's not a matter of money. Hawaii's beaches up to the vegetation line are open to the public. And the developer promised the city that it would provide public access to the new bays.



But if the developer is truly worried about liability, it might consider what would happen when people ask a jury to award them monetary damages for being wrongfully forced from the beaches.

State and city officials should also immediately investigate, impose sanctions and make sure it doesn't happen again.

# Kauai surcharge

## A windfall for the utility?

We like the idea of all islands helping Kauai rebuild after Hurricane Iniki, but the state Public Utilities Commission last October wisely rejected an early application for a statewide surcharge on electric bills.

The commission left open the door, however, for the Kauai electric company to reopen the issue. The commissioners should scrutinize the new application with the same skepticism as the last one.

If Kauai consumers truly face onerous jumps in their electric bills — a permanent \$10 a month, the utility says — to pay for Iniki repairs, then we believe the burden should be spread among their neighbors

on other islands.

But before embracing that solution, the commission must determine how much of the cost should be shouldered by shareholders in Kauai Electric Division's highly profitable parent company, Citizens Utilities, with its enviable record of rising earnings. The state regulatory commission must prevent the parent company from reaping a windfall from Kauai's misfortune.

On the other hand, Kauai's people cannot afford sky-high utility bills. That's where the surcharge and proper statewide sharing of the burden should come in