

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

- - - - In the Matter of - - -) PUC Docket 03-0371
)
PUBLIC UTILITIES COMMISSION)
)
)
)
Instituting a Proceeding to)
Investigate Distributed Generation)
In Hawaii)
_____)

LIFE OF THE LAND'S

MOTION TO INTERVENE

&

CERTIFICATE OF SERVICE

HENRY Q CURTIS
VICE PRESIDENT FOR CONSUMER ISSUES
LIFE OF THE LAND

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Aloha Commissioners:

October 31, 2003

On October 10, 2003, the PUC opened Docket 03-0366 (HECO's Application for Distributed Generation/Combined Heat and Power (CHP)). On October 21, 2003, the PUC closed Docket 96-0493 (Investigation of Restructuring) and opened two generic dockets Docket 03-0371 ("distributed generation ") and Docket 03-0372 ("competitive bidding").

Life of the Land filed a Motion to Intervene in the CHP Docket on October 29, 2003, and is hereby filing this Motion to Intervene in the distributed generation (DG) docket. The CHP docket looks at a particular application of DG (utility-owned CHP) and is wholly contained within the DG Docket. The PUC can: deal with the DG docket first, consolidating the two dockets, or maintain two parallel dockets. We support the Consumer Advocate's position of consolidation. This Motion incorporates by reference our Motion to Intervene in the CHP docket. Both Motions are being filed with the same parties, cover similar material, and are being filed two days apart. In addition we are providing electronic copies of both Motions as e-mail attachments.

Intervention: The right of intervention is at the discretion of the PUC. The Motion to Intervene must include responses to criteria found in Hawaii Administrative Rules (HAR) 6-61-55.

- 1) **Timeliness.** Our motion to intervene is timely. Our Motion to Intervene was filed on October 31, 2003, within the 20 day time limit specified by PUC Rules Section 6-61-57.

- 2) **The nature of the applicant's statutory or other right to participate in the hearing.** Our statutory right to participate is based on the Hawai`i State Constitution (Article XI, Section 9:

Environmental Rights). Our right to participate is supported by our Petition and Charter of Incorporation (December 16, 1970) and LOL Board Actions including authorized Henry Curtis, Vice-President for Consumer Affairs, to represent LOL before the PUC re HRS Section 6-61-12.

3) **The nature and extent of the applicant's property, financial, and other interest in the**

pending matter; Life of the Land is a non-profit Hawaii-based organization. Our members live, work and recreate in Hawaii. They are concerned about energy policy, and the impact our energy choices have on land use, the environment, quality of life, aesthetics, and health. DG offers an opportunity to move towards sustainability.

4) **The effect of the pending order as to the applicant's interest**; The use of DG significantly

affects LOL and our members. DG can replace the need for central generation, transmission lines, industrialization of the waterfront, and decreasing our reliance on fossil fuels. We have raised DG issues as interveners in the PUC's generic restructuring docket (PUC DN. 96-0493); the Board of Land and Natural Resources (Docket OA-2801); MECO's IRP 2000-2020 Plan (PUC DN. 99-0004); HECO's IRP-2 and IRP-3 Advisory Group; and HECO's East Oahu Transmission Project Advisory Group.

5) **Other Means Available Wherein Applicant May Protect His Interest**. There are no other

means available to protect our interests.

6) **Other Parties Do Not Represent LOL's Interests**. The existing parties will be the fossil fuel

based utilities and the Consumer Advocate which protects consumers interests. Life of the Land represents environmental interests. Consumer and environmental issues are distinct, although they overlap. A minimal divergence is sufficient for separate representation.

7) **LOL's Participation will Assist the Development of a Sound Evidentiary Record.** The PUC has wide latitude to establish broad policy through dockets on DG. Our presence in the docket will enable the PUC to get a more complete picture of the environmental costs and benefits impacts of DG. Our participation will enable the Commission to view and consider all of the pertinent available information needed to make a sound decision.

8) **LOL's Participation Will Neither Unduly Broaden The Issues Nor Delay This Proceeding.** Life of the Land has a history of following PUC directives in previous dockets we have participated in (96-0493 Restructuring; 99-0004 MECO IRP; HECO DSM). Our comments, testimonies, expert witnesses and exhibits will be provided so as to strengthen the defensibility of the PUC decision. We do not seek to muddy the waters, but rather to bring clarity to the issues at hand. Allowing intervention by Life of the Land, the filing of our comments and questions, and granting the other relief sought in this petition, the PUC will merely place Life of the Land in the same substantive and procedural position as the other parties to these proceedings.

9) **LOL's Interests Differ From Those Of Those Of The General Public.** The Consumer Advocate is bound by the law to represent the interests of the general public, that is, the consumers of utility services. Life of the Land is concerned with environmental impacts.

10) **Whether the applicant's position is in support of or in opposition to the relief sought.**

Life of the Land supports DG.

Dated October 31, 2003

Henry Q Curtis
VICE PRESIDENT FOR CONSUMER ISSUES
LIFE OF THE LAND

Certificate of Service

I hereby certify that I have this date served a copy by hand delivery of the foregoing Motion To Intervene by Life of the Land, in PUC Docket Number 03-0371, upon the following parties. The original and 8 copies to the PUC, two copies to the Consumer Advocate, and one copy to HECO. We are mailing a copy of this Motion To Intervene to the Kauai Island Utility Cooperative, and enclosing in that mailing, a copy of our Motion to Intervene in HECO's CHP docket.

Carl Caliboso, Chair
Public Utilities Commission
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Kauai Island Utility Cooperative
Attn: Regulatory Division
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Lihue, HI 96766

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Dated October 31, 2003

Henry Q Curtis
VICE PRESIDENT FOR CONSUMER ISSUES
LIFE OF THE LAND