

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to)
Investigate Distributed Generation))
In Hawaii.)
_____)

DOCKET NO. 03-0371

ORDER NO. 22298

Filed Feb. 28, 2006
At 9 o'clock A .M.

Karen Higrot.
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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PUBLIC UTILITIES COMMISSION)
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Docket No. 03-0371
Order No. 22298

ORDER

By this Order, the commission denies HAWAII RENEWABLE ENERGY ALLIANCE's ("HREA") Request for Intervenor Funding, filed on February 10, 2006.

I.

Background

HREA is a Hawaii-based non-profit corporation composed of developers, manufacturers, distributors, scientists, engineers, and advocates of renewable energy.¹

On October 21, 2003, the commission instituted a proceeding to examine the potential benefits and impacts of distributed generation on Hawaii's electric distribution systems and market.² On November 6, 2003, HREA timely filed a motion to

¹Motion to Intervene of HREA, filed on November 6, 2003, at 2.

²Order No. 20582, filed on October 21, 2003.

intervene,³ and on March 3, 2004, the commission granted HREA intervenor status.⁴

On January 27, 2006, the commission issued Decision and Order No. 22248, "set[ting] forth certain policies and principles for the deployment of distributed generation in Hawaii and certain guidelines and requirements for distributed generation, some of which will be further defined by tariff as approved by the commission."⁵ On February 10, 2006, HREA filed its Request for Intervenor Funding, seeking to defray a portion of the expenses it incurred from its participation as a party in Docket No. 03-0371.⁶ HREA served copies of its Request for Intervenor Funding on the other Parties and Participant. No responses to HREA's Request for Intervenor Funding were filed by the Parties or Participant.

³Motion to Intervene of HREA and Certificate of Service, filed on November 6, 2003.

⁴Order No. 20832, filed on March 3, 2004.

The Parties of record in this investigative proceeding are: HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), MAUI ELECTRIC COMPANY, LIMITED ("MECO") (collectively, the "HECO Utilities"), KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"), the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, LIFE OF THE LAND, HREA, the COUNTY OF MAUI, and HESS MICROGEN, LLC. The COUNTY OF KAUAI is the sole Participant.

⁵Decision and Order No. 22248, filed on January 27, 2006, at 1.

⁶HREA explains that: (1) its expenses for consultant support were \$27,240; and (2) it made payments to its consultant in the amount of \$15,605. Thus, it seeks reimbursement for the remaining balance of \$11,635.

II.

Discussion

HREA makes its Request for Intervenor Funding pursuant to Section III(E)(4) of the Integrated Resource Planning ("IRP") Framework, dated March 9, 1992 ("IRP Framework").

Section III(E)(3) and (4) of the IRP Framework governs Intervention and Intervenor Funding with respect to a public utility's IRP process. Section III(E)(3) and (4) states in respective part:

E. Public Participation

. . . .

3. Intervention

. . . .

c. Applications to intervene or to participate without intervention in any proceeding in which a utility seeks commission approval of its integrated resource plan are subject to the rules prescribed in . . . the commission's . . . Practice and Procedure before the Public Utilities Commission[]; except that such applications may be filed with the commission not later than 20 days after the publication by the utility of a notice informing the general public of the filing of the utility's application for commission approval of its integrated resource plan, notwithstanding the opening of the docket before such publication.

. . . .

4. Intervenor funding

a. Upon the issuance of the commission's final order on a utility's integrated resource plan or any amendment to the plan, the commission may grant an intervenor or participant . . . recovery of all or part of the intervenor's or

participant's direct out-of-pocket costs reasonably and necessarily incurred in intervention or participation. Any recovery and the amount of such recovery are in the sole discretion of the commission.

. . . .

- e. The costs of intervenor funding shall be paid for by the utility, subject to recovery as part of its costs of integrated resource planning.

IRP Framework, at 13 - 16 (emphasis added).

In accordance with Section III(E)(3) and (4), above, the scope of intervenor funding is limited to proceedings in which a public utility seeks the commission's approval of the utility's Integrated Resource Plan, or of any amendments to said Plan. By contrast, the underlying purpose of Docket No. 03-0371 is to develop and implement policies and procedures for the deployment of cost-effective and reliable distributed generation statewide.⁷ The commission's approval of the electric utilities' (specifically, the HECO Utilities and KIUC) respective Integrated Resource Plans or amendments thereto is beyond the scope of Docket No. 03-371.⁸

⁷See Decision and Order No. 22248.

⁸Instead, MECO is scheduled to file by October 31, 2006 its 3rd Integrated Resource Plan in Docket No. 04-0077 by October 31, 2006, and HELCO is scheduled to file its 3rd Integrated Resource Plan in Docket No. 04-0046 by December 29, 2006. Meanwhile, on October 28, 2005, HECO filed its 3rd Integrated Resource Plan in Docket No. 03-0253.

Accordingly, the commission denies HREA's Request for Intervenor Funding, filed on February 10, 2006.⁹

III.

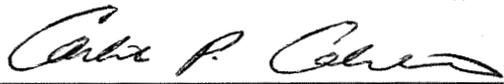
Order

THE COMMISSION ORDERS:

1. HREA's Request for Intervenor Funding, filed on February 10, 2006, is denied.

DONE at Honolulu, Hawaii FEB 28 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

By 
Janet E. Kawelo, Commissioner

03-0371.sl

⁹Cf. In re Maui Elec. Co., Ltd., Docket No. 99-0004, Order No. 21995, filed on August 29, 2005 (HREA's request for intervenor funding denied as not meeting the requirements of the IRP Framework, i.e., denied as untimely).

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22298 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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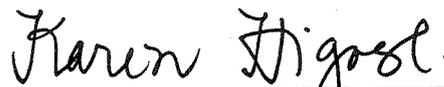
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DATED: FEB 28 2006