

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of) DOCKET NO. 03-0372
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate Competitive Bidding for)
New Generating Capacity)
in Hawaii.)
_____)

PUBLIC UTILITIES
COMMISSION

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FILED

COUNTY OF KAUA'I'S MOTION
TO PARTICIPATE

AND

CERTIFICATE OF SERVICE

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**COUNTY OF KAUAI'S
MOTION TO PARTICIPATE**

The Administration of the COUNTY OF KAUAI, a political subdivision of the State of Hawaii (County) by and through its attorneys, Lani D.H. Nakazawa and Christiane Nakea, hereby moves this honorable Public Utilities Commission (Commission) to authorize the County to participate in Docket No. 03-0372, a proceeding to investigate distributed competitive bidding for new generating capacity in Hawaii. No hearing is requested on the motion.

In support of its Motion, the County represents and asserts it meets the requirements to participate, consistent with the Hawaii Administrative Rules (HAR) title 6, section 61-56(b).

I. STATEMENT OF THE DIRECT AND SUBSTANTIAL INTEREST OF THE APPLICANT

The interest of the County of Kaua`i in this docket is as a result of its mandate, under the County Charter, to provide for and to protect the public health, safety and welfare of its residents and to otherwise maintain, protect and advance the interests of the public. This mandate includes, but is not limited to, land use planning, economic development, permitting, and energy emergency preparedness for disasters and market disruptions. The County, as the governing body for all of the residents of Kaua`i, has a vested interest in the overall economy of the island, specifically in the delivery of safe, affordable and reliable energy. The docket investigates matters that affect the cost and availability of electricity on the island of Kaua`i, and is thus of interest to the County in carrying out its Charter duties.

In addition to the interests arising out of the Charter obligations stated above, the County has an interest in the proceeding and a right to participate in the hearing as a major consumer of electricity on the island.¹ As a large consumer, the County is interested in and is concerned about the manner in which electricity services may be planned, priced and provided to Kaua`i and the possibility of lower electricity prices through competitive bidding for new generating capacity. The County is also concerned about the effect of requiring competitive bidding on electric rates paid by the County and its citizens.

¹The County's 2002 electric utility bills totaled more than \$4.4 million.

II. APPLICANT'S POSITION REGARDING THE MATTER IN CONTROVERSY

The County's position in this docket and in other, related dockets which impact government operations, planning and economic conditions on Kaua'i will be protective of the County's ability to provide needed governmental services, so that this ability is not adversely affected by any changes to the existing structure of the electric power industry.

III. THE EXTENT TO WHICH PARTICIPATION WILL NOT BROADEN THE ISSUES OR DELAY THE PROCEEDING

The County's participation will not broaden the issues or delay the proceedings. The County seeks participation primarily to be informed of the proceedings and to preserve its ability to comment on the issues of vital importance to the island and its citizens, who are all owners of the island's electric utility. Many of the County's concerns have been raised by the Commission in Order No. 20583, and the County's participation will be consistent with, and not broaden or delay the proceedings as described by the Commission in that order.

IV. THE EXTENT TO WHICH THE APPLICANT'S INTEREST WILL NOT BE REPRESENTED BY EXISTING PARTIES

None of the parties known to the County have the same interests as the County as a large consumer and as the governing entity of the public affairs of the island of Kaua'i. The utilities have interests as producers and sellers of power to customers such as the County. The Consumer Advocate's emphasis is to ensure reasonably priced, reliably-

delivered electric power to consumers, generally, and to residential consumers, in particular. No other party to this proceeding has the comprehensive interests of the County, which has the responsibility of the public welfare and commerce on the island of Kaua`i.² There are no other means available whereby the County's interests and concerns may come before the Commission.

V. STATEMENT OF THE EXPERTISE, KNOWLEDGE OR EXPERIENCE POSSESSED BY THE APPLICANT WITH REGARD TO THE MATTER IN CONTROVERSY

The County has been an intervenor, participant and collaborative member of the IRP process since its inception, and has participated in Docket Nos. 94-0226 and 96-0493, which concern related issues. With the experience from its participation in these dockets and the expertise of its energy coordinator, the County has the necessary ability to participate in this docket.

VI. WHETHER THE APPLICANT CAN AID THE COMMISSION BY SUBMITTING AN AFFIRMATIVE CASE

The County, as stated above, has the background and interest in the issues to be addressed in this docket. It also has knowledge of conditions on the island, and can assist the Commission by providing its assessment of the various issues, and their effect on Kaua`i and its citizen-ratepayers.

² If other counties file motions to intervene and participate, the County urges the Commission to grant these motions in order to allow all interested counties access to this docket for the purpose of expressing concerns unique to their island jurisdictions.

VII. STATEMENT OF THE RELIEF DESIRED

The County cannot formulate a statement of the relief it desires, as its desired relief will be affected by the issues raised by the other parties to the docket. However, the County will be seeking an outcome from this docket that promotes the health and welfare of its citizen-ratepayers and the economy on Kaua`i, and that protects the interests of the County as a major ratepayer.

For all of the foregoing reasons, the County respectfully requests the Public Utilities Commission to grant the County participant status in Docket No. 03-0372.

DATED: Līhu`e, Kaua`i, Hawai`i, November 4, 2003.



LANI D.H. NAKAZAWA
CHRISTIANE L. NAKEA
Attorneys for the County

CERTIFICATE OF SERVICE

I hereby certify that I have this date served copies of the foregoing **COUNTY OF KAUAI'S MOTION TO PARTICIPATE** in Docket No. 03-0372 upon the following parties, by causing copies hereof to be mailed, postage prepaid, and properly addressed to each such party, as noted below.

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DATED: Līhu`e, Kaua`i, Hawai`i, November 4, 2003.


LANI D.H. NAKAZAWA