

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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

PUBLIC UTILITIES  
COMMISSION

Nov 10 10 19 AM '03

FILED

**COUNTY OF MAUI'S MOTION TO INTERVENE IN THE  
PUBLIC UTILITIES COMMISSION'S DOCKET NO. 03-0372,  
ORDER NO. 20583, INSTITUTING A PROCEEDING TO INVESTIGATE  
COMPETITIVE BIDDING FOR NEW GENERATING CAPACITY IN HAWAII**

**VERIFICATION OF KALVIN K. KOBAYASHI**

**CERTIFICATE OF SERVICE**

DEPARTMENT OF THE CORPORATION COUNSEL

BRIAN T. MOTO 5421-0

Corporation Counsel

CINDY Y. YOUNG 7443-0

Deputy Corporation Counsel

County of Maui

200 S. High Street

Wailuku, Maui, Hawaii 96793

Phone: (808) 270-7740

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Attorneys for Intervenor

COUNTY OF MAUI

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COMPETITIVE BIDDING FOR NEW GENERATING CAPACITY IN HAWAII**

The COUNTY OF MAUI ("COUNTY") by and through its attorneys BRIAN T. MOTO, Corporation Counsel, and CINDY Y. YOUNG, Deputy Corporation Counsel, hereby moves to intervene and become a party to Docket No. 03-0372, Order No. 20583, regarding the Public Utilities Commission ("Commission") instituting a proceeding to investigate competitive bidding for new generating capacity in Hawaii. No hearing is requested on this motion.

In support of its Motion, the COUNTY represents and asserts it meets the requirements to intervene, consistent with title 6, section 61-55 (b), Hawaii Administrative Rules.

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

The interest of the County of Maui 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 has an interest in the overall economy of the islands, specifically in the delivery of safe, affordable, and reliable energy. The docket investigates matters that affect the cost and availability of electricity on the islands of Maui, Molokai, and Lanai, and is thus of interest to the COUNTY in carrying out its Charter duties.

The COUNTY also has an interest in the proceeding and a right to participate in the hearing as a major consumer of electricity on the island.<sup>1</sup> 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 Maui County 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.

Moreover, the COUNTY has opportunities for joint ventures with power generators and has strong interest in generating power at County facilities. The COUNTY's interest in these opportunities arises from Hawai'i Revised Statutes section 46-19 which allows each of the counties (1) to participate in the development of alternative energy resources with an end user or public utility pursuant to a plan for the direct utilization of the energy sources, and (2) should a joint venture partner not be available, to proceed with the development of alternate energy sources for their own consumption or for the furtherance of a plan for direct utilization. This authority to develop power generation facilities, along with the COUNTY's existing stock of distributed generation, creates opportunities for the COUNTY to participate in a competitive

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<sup>1</sup> The COUNTY's electric utility bills for fiscal year 2002-03 totaled more than \$13,700,000.

bidding process, should the Commission establish such a process. Accordingly, the policies and rules established by the Commission in the instant docket are of great interest to the COUNTY.

2. APPLICANT’S POSITION REGARDING THE MATTER IN CONTROVERSY

The COUNTY’s position is consistent with its position in the electric competition docket (Docket No. 96-0493).

In Docket No. 96-0493, we supported an investigation into, “(i)ncreasing wholesale competition for new power supply and related services.”<sup>2</sup> This position is consistent with the Commission’s Order No. 20583, instituting a proceeding to investigate competitive bidding for new generating capacity in Hawaii.

3. 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. 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.

4. 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 Maui County. 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

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<sup>2</sup> Page 31 of the Statement of Position of the Counties of Maui and Kauai, Docket No. 96-0493.

proceeding has the comprehensive interests of the COUNTY, which has the responsibility of the public welfare and commerce for Maui County. There are no other means available whereby the COUNTY's interests and concerns may come before the Commission.

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

The COUNTY has been an intervenor and an Advisory Group member of the IRP process since its inception, and has intervened in Docket Nos. 94-0226 and 96-0493, which concern related issues. With the experience from its intervention in these dockets and the expertise of its energy coordinator, the COUNTY has the necessary expertise, knowledge, and experience to intervene in this docket.

Additionally, as the COUNTY stated in the Commission's restructuring docket, "(s)ome of the parties have indicated that the availability of developable sites may be a constraint to increasing competition for wholesale power supply services. Pursuant to the Counties' authorities to plan and zone power plant sites, we recommend that the Counties' role to facilitate power plant siting be considered in this investigative phase."<sup>3</sup> Accordingly, the COUNTY has the land use planning expertise to support the Commission's efforts to deal with siting issues relating to a competitive bidding process.

6. 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 islands, and can assist the

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<sup>3</sup> Page 31 of the Statement of Position of the Counties of Maui and Kauai, Docket No. 96-0493.

Commission by providing its assessment of the various issues, and their effect on Maui County and its citizen-ratepayers.

7. 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 of Maui County, and that protects the interests of the COUNTY as a major ratepayer.

For all of the foregoing reasons, the COUNTY OF MAUI respectfully requests the Public Utilities Commission to grant the COUNTY intervenor status in Docket No. 03-0372.

DATED: Wailuku, Maui, Hawai'i, November 7, 2003.

BRIAN T. MOTO  
Corporation Counsel  
Attorney for Intervenor  
COUNTY OF MAUI

By Cindy Y. Young  
CINDY Y. YOUNG  
Deputy Corporation Counsel

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**VERIFICATION OF KALVIN K. KOBAYASHI**

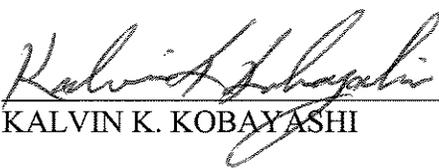
STATE OF HAWAII            )  
  )        SS.  
COUNTY OF MAUI         )

Kalvin K. Kobayashi, being first duly sworn on oath, deposes and says:

1.     That I am the Energy Coordinator for the County of Maui.
2.     That I make this verification for and on behalf of the County of Maui.
3.     That I have read the foregoing County of Maui's Motion to Intervene In the Public

Utilities Commission's Docket No. 03-0372, Order No. 20583, Instituting a Proceeding to Investigate Competitive Bidding for New Generating Capacity in Hawaii.

Further, Affiant sayeth naught.

  
\_\_\_\_\_  
KALVIN K. KOBAYASHI

Subscribed and sworn to before me  
this 7th day of November, 2003.

  
\_\_\_\_\_  
Notary Public, State of Hawaii  
My Commission expires: 7/1/05

Kay A. Ogasawara

L.S.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served copies of the foregoing **COUNTY OF MAUI'S MOTION TO INTERVENE IN THE PUBLIC UTILITIES COMMISSION'S DOCKET NO. 03-0372, ORDER NO. 20583, INSTITUTING A PROCEEDING TO INVESTIGATE COMPETITIVE BIDDING FOR NEW GENERATING CAPACITY IN HAWAII; VERIFICATION OF KALVIN K. KOBAYASHI; CERTIFICATE OF SERVICE**, upon the following parties, by causing copies hereof to be mailed, postage prepaid, and properly addressed to each such party, as noted below.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (2 copies)  
DIVISION OF CONSUMER ADVOCACY  
P.O. Box 541  
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ALTON MIYAMOTO  
PRESIDENT AND CEO  
KAUA'I ISLAND UTILITY COOPERATIVE  
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EDWARD L. REINHARDT  
PRESIDENT  
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WARREN H.W. LEE  
PRESIDENT  
HAWAII ELECTRIC LIGHT COMPANY, LTD.  
P.O. Box 1027  
Hilo, HI 96721-1027

DATED: Wailuku, Maui, Hawai'i, November 7, 2003.

BRIAN T. MOTO  
Corporation Counsel  
Attorney for Intervenor  
COUNTY OF MAUI

By *Cindy Y. Young*  
CINDY Y. YOUNG  
Deputy Corporation Counsel