BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

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

PREHEARING ORDER NO. 20923

Filed April 23, 2004

At 9:00 o'clock A .M.

Karen Higashi

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

----In the Matter of----	
PUBLIC UTILITIES COMMISSION	Docket No. 03-0372
Instituting a Proceeding to Investigate Competitive Bidding for New Generating Capacity in Hawaii.	Prehearing Order No. 20923

PREHEARING ORDER

I.

Introduction

On April 2, 2004, THE DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, KAUAI ISLAND UTILITY COOPERATIVE, HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, INC., HESS MICROGEN, THE GAS COMPANY, PACIFIC MACHINERY, INC., JOHNSON CONTROLS, INC., HAWAII RENEWABLE ENERGY ALLIANCE, THE COUNTY OF MAUI, THE COUNTY OF KAUAI AND THE DEPARTMENT OF BUSINESS ECONOMIC DEVELOPMENT AND TOURISM (collectively referred to as "Parties and Participants") filed their Proposed Stipulated Prehearing Order for commission review and approval, pursuant to Order No. 20834, filed on March 3, 2004.

Upon our review and consideration, we determine that the following issues and schedule of proceedings, shall control the subsequent course of this proceeding. As set forth below, we approve and adopt the proposed issues and procedures, set forth in the Parties' and Participants' Proposed Stipulated Prehearing Order, in its entirety. We also approve and adopt their Stipulated Regulatory Schedule attached to the Proposed Stipulated Prehearing Order as Exhibit "A", subject to the modifications discussed in Section II.

II.

Stipulated Regulatory Schedule

The Stipulated Regulatory Schedule (designated by the Parties and Participants as Exhibit "A" to their Stipulated Procedural Order) is approved, adopted and made part of this order, subject to certain modifications. In particular, we are adding two (2) status conferences with the commission on September 30, 2004 and April 25, 2005. The new regulatory schedule is as follows:

EXHIBIT "A"
REGULATORY SCHEDULE
PROCEEDING TO INVESTIGATE COMPETITIVE BIDDING
Docket No. 03-0372

	DATE	PROCEDURAL STEPS
1.	March 3, 2004	Order No. 20834 filed by Commission
2.	Tuesday-Wednesday, September 28-29, 2004	Workshop
3.	Thursday, September 30, 2004	Status Conference with the Commission*
4.	Wednesday, January 12, 2005	Simultaneous Written Direct Testimonies, Exhibits, Workpapers and Preliminary Position Statement
5.	Monday, February 7, 2005	Simultaneous Information Requests to the Parties and Active Participants on their Written Direct Testimonies, Exhibits and Workpapers
6.	Monday, March 7, 2005	Simultaneous Responses to Information Requests filed by the Parties and Active Participants on their Written Direct Testimonies, Exhibits and Workpapers
7.	Monday, March 21, 2005	Simultaneous Supplemental Information Requests to the Parties and Active Participants on their Responses to Information Requests
8.	Monday, April 11, 2005	Simultaneous Responses to Supplemental Information Requests filed by the Parties and Active Participants on their Responses to Information Requests
9.	Monday, April 25, 2005	Settlement Conference
10.	Monday, April 25, 2005	Status Conference with the Commission*

	DATE	PROCEDURAL STEPS
11.	Monday, May 16, 2005	Simultaneous Written Rebuttal Testimonies, Exhibits and Workpapers/Final Position Statements
12.	Wednesday, June 1, 2005	Simultaneous Rebuttal Information Requests to the Parties and Active Participants on their Written Rebuttal Testimonies, Exhibits and Workpapers
13.	Wednesday, June 15, 2005	Simultaneous Responses to Rebuttal Information Requests filed by the Parties and Active Participants on their Written Rebuttal Testimonies, Exhibits and Workpapers
14.	Wednesday, June 22, 2005	Prehearing Conference*
15.	Week of July 11, 2005	Evidentiary Hearing (if no settlement)
16.	4 weeks after transcript completed and filed with the Commission	Simultaneous Post-Hearing Opening Briefs
17.	3 weeks after filing of Opening Briefs	Simultaneous Post-Hearing Reply Briefs

*Time and place of status or prehearing conferences to be determined by commission letter.

III.

THE COMMISSION ORDERS that the Parties' and Participants' Stipulated Prehearing Order, filed on April 2, 2004, is approved and adopted in part, and modified in part, consistent with the terms of this prehearing order. Specifically, the Parties' and Participants' Stipulated

Procedures attached hereto as Exhibit "1" are approved and shall be made part of this order. The Stipulated Regulatory Schedule (Exhibit "A") is approved and shall be made part of this order, subject to the modifications described herein.

DONE at Honolulu, Hawaii this 23rd day of April, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
Wayne H. Kimura, Commissioner

By _____
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

_____
Kevin M. Katsura
Commission Counsel

03-0372.eh

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAI'I

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

STIPULATED PREHEARING ORDER NO. _____

EXHIBIT "A"

and

CERTIFICATE OF SERVICE

Filed _____, 2004

At _____ o'clock _____.m.

_____

Chief Clerk of the Commission

EXHIBIT 1

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAI'I

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

STIPULATED PREHEARING ORDER

Hawaiian Electric Company, Inc. ("HECO"), Maui Electric Company, Limited ("MECO"), Hawaii Electric Light Company, Inc. ("HELCO"), Kauai Island Utility Cooperative, The Division of Consumer Advocacy, Hawaii Renewable Energy Alliance, Johnson Controls, Inc. and Pacific Machinery, Inc. (sometimes jointly referred to as the "Hawaii Energy Services Companies" or "HESCOs"), Hess Microgen, The Gas Company, LLC, and the County of Maui (the above parties hereinafter collectively referred to as "parties"), together with the County of Kauai and the Department of Business Economic Development and Tourism[1] (hereinafter together referred to as "participants") hereby stipulate to the following provisions of this Stipulated Prehearing Order as mutually acceptable to each.

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[1] During the meeting held on March 31, 2004 to discuss the Stipulated Prehearing Order, the County of Kauai represented that it was interested primarily in the rate impacts of distributed generation. The Department of Business Economic Development and Tourism represented that it was interested in serving as a resource for technical information for the parties in the proceeding. Based on the representations of the participants, the parties agreed that the participants would be allowed to present recommendations on any of the issues in the instant proceeding provided that any recommendation be provided as the respective participant's Preliminary Statement of Position, followed by written testimonies in support of said position in accordance with the Stipulated Regulatory Schedule attached to this Stipulated Prehearing Order.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket:

I.

STATEMENT OF ISSUES

The issues in this docket are:

1 What are the benefits and impacts of competitive bidding?

2 Whether a competitive bidding system should be developed for acquiring or building new generation in Hawaii? If the answer is "yes", then:

a. How can a fair competitive bidding system be developed that ensures that competitive benefits result from the system and ratepayers are not placed at undue risk?

b. What are the specific competitive bidding guidelines and requirements for prospective bidders, including the evaluation system to be used and the process for evaluation and selection?

c. How can a fair competitive bidding system encourage broad participation from a range of prospective bidders?

3. What revisions should be made to the integrated resource planning process?

II.

SCHEDULE OF PROCEEDINGS

The parties and any of the participants who actually file written preliminary statements of position and written direct testimonies (hereinafter referred to as an "Active Participant") shall adhere to the schedule of proceedings set forth in the

Stipulated Regulatory Schedule attached hereto as Exhibit "A." Notwithstanding the above, the parties and the Active Participants shall have the right to amend the Stipulated Regulatory Schedule as may be agreed in writing and approved by the Commission from time to time. However, the intent of the parties and participants in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III.

REQUESTS FOR INFORMATION

A party or an Active Participant to this proceeding may submit information requests to another party or Active Participant within the time schedule specified in this Stipulated Prehearing Order. If a party or Active Participant is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party or Active Participant as soon as possible. The parties and Active Participants shall then endeavor to agree upon a later date for submission of the requested information. If the parties and Active Participants are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the inquiring party to act.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g. documents over 50 pages), the documents

or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party or Active Participant responding to the information request shall make the diskette or such electronic medium available to the other parties, participants and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheet will contain all formulae intact, and will not be entirely converted to values prior to submission. A party or Active Participant shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part VI, infra. The responding party or Active Participant shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party or Active Participant to locate and copy the document.[2] In addition, a party or Active Participant shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party or Active Participant may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to

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2 As practical, each party and Active Participant will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such parties and/or Active Participants, designated by the requesting parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party and/or Active Participant.

protection (confidential information). If a party or Active Participant claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party or Active Participant shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party or Active Participant if the information were disclosed); and (3) state whether the party or Active Participant is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order.

A party or Active Participant seeking production of documents notwithstanding a party's or Active Participant's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party or Active Participant to information requests shall adhere to a uniform system of numbering agreed upon by the parties and Active Participants. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document, indicating the name of the respondent for each response.

IV.

WITNESSES

Witnesses submitting written testimony and exhibits shall be made available for cross-examination at the hearing. Witnesses should file the work papers used in preparing the evidence they sponsor at the time they submit their testimony and exhibits and have such work papers available at the hearing. Witnesses will not be permitted to read prefiled written testimony at the hearings.

In the presentation of the testimony, each witness may give a brief oral summary of the written testimony and exhibits and shall summarize the issues raised by such testimony. Each witness shall be subject to cross-examination for both direct and rebuttal testimony and exhibits.

The parties and Active Participants in this case should cooperate to accommodate the schedules of any mainland witnesses and should inform the Commission in advance of any scheduling difficulties of mainland witnesses. If any party or Active Participant has any objection to scheduling a witness in advance of other witnesses, the party or Active Participant should make a timely objection to the Commission.

V.

FORM OF PREPARED TESTIMONY

All prepared testimony, including text and exhibits, shall be prepared in written form on 8-1/2" x 11" paper with line numbers, and shall be served on the dates designated in the Schedule of Proceedings.

Each party or Active Participant shall be permitted to follow its own numbering system for written testimony and exhibits, provided that the numbering system utilized is consistent and is clearly understandable. Each document of more than one page shall be consecutively numbered. Each party or Active Participant shall prepare a list of its exhibits by exhibit numbers and titles.

The parties and Active Participants shall be permitted to make revisions to exhibits after the designated dates appearing in the Schedule of Proceedings. Revisions shall bear appropriate revision dates. However, revisions or additions that do more than correct typographical errors, update facts, or give numerical comparisons of the positions taken by the parties and Active Participants, shall not be submitted.

Generally, exhibits should include appropriate footnotes or narratives in the exhibits or the related testimony setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

VI.

MATTERS OF PUBLIC RECORD

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that an electric utility company has filed with the Commission, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the

Commission and the parties and Active Participants; and further provided that any party or Active Participant has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party or Active Participant proffers such document for admission as evidence in this case.

From time to time, the parties and Active Participants may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

VII.

COPIES OF TESTIMONIES, EXHIBITS AND INFORMATION REQUESTS

1. Testimonies and Exhibits:

Public Utilities Commission — Original plus 8 copies
465 South King Street
First Floor
Honolulu, HI 96813

Division of Consumer Advocacy — 3 copies
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All pleadings, briefs and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the Commission's Rules of Practice and Procedure.

Copies of all filings, information requests and information request responses should be sent to the other parties and participants by hand delivery or via U. S. mail.

In addition, if available, all parties and Active Participants shall provide copies of their filings, information requests and information request responses to the other parties and participants via diskette or e-mail in a standard electronic format that is readily available to the parties and participants. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain formulae intact, and will not be entirely converted to values prior to submission. The parties and Active Participants agree to use Word 97, Word 2000, or Word 2003 as the standard programming format for filings in this case. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party or Active Participant shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000/Word 2003 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party or participant via diskette or e-mail, unless otherwise agreed to by such party or participant, the same number of copies of such filing, information request or information request response must still be delivered to such party or participant by hand delivery or via U.S. mail as provided above.

VIII.

ORDER OF EXAMINATION

The order of presentation for witnesses and whether the witness will present both written and rebuttal testimony at the same time shall be determined at the pre-hearing conference to be held pursuant to the Schedule of Proceedings.

Examination of any witness shall be limited to one attorney for a party or Active Participant. The parties and Active Participants shall avoid duplicative or repetitious

cross-examination. Cross-examination shall be limited to witnesses whose testimony is adverse to the party or Active Participant desiring to cross-examine. Re-cross-examination shall be limited to the extent of material covered in redirect examination unless otherwise permitted by the Commission.

IX.

COMMUNICATIONS

Chapter 61, subchapter 3, section 6-61-29 of the Commission's Rules of Practice and Procedure concerning *ex parte* communications is applicable to any communications between a party or participant and the Commission. However, the parties and participants may communicate with Commission counsel through their own counsel or designated official only as to matters of process and procedure.

Communications between the parties and participants should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party or participant as provided in Article VII above.

All motions, supporting memoranda, briefs, and the like shall also be served on opposing counsel.

X.

GENERAL

The foregoing procedures shall be applied in a manner consistent with the orderly conduct of this docket.

Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, the Prehearing Order shall control the subsequent

courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

This Stipulated Prehearing Order may be executed by the parties and participants in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties and participants may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

Dated: Honolulu, Hawaii, April 2, 2004.

By _____
JON S. ITOMURA
Attorney for the Division of Consumer Advocacy

By _____
ALAN M. OSHIMA
KENT D. MORIHARA
Attorneys for Kauai Island Utility Cooperative

By _____
THOMAS W. WILLIAMS, JR.
PETER Y. KIKUTA
Attorneys for Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc. Maui Electric Company, Limited

By _____
SANDRA-ANN Y.H. WONG
Attorney for Hess Microgen

By _____
GEORGE T. AOKI
Attorney for the The Gas Company

By _____
THOMAS C. GORAK
Attorney for Pacific Machinery, Inc. and Johnson Controls, Inc.

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Dated: Honolulu, Hawaii, April 2, 2004.

By _____
JON S. ITOMURA
Attorney for the Division of Consumer Advocacy

By _____
ALAN M. OSHIMA
KENT D. MORIHARA
Attorneys for Kauai Island Utility Cooperative

By _____
THOMAS W. WILLIAMS, JR.
PETER Y. KIKUTA
Attorneys for Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc. Maui Electric Company, Limited

By _____
SANDRA-ANN Y.H. WONG
Attorney for Hess Microgen

By _____
GEORGE T. AOKI
Attorney for the The Gas Company

By Thomas C. Gorak
THOMAS C. GORAK
Attorney for Pacific Machinery, Inc. and Johnson Controls, Inc.

By _____
CINDY Y. YOUNG
Attorney for the County of Maui

By _____
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

By _____
LANI NAKAZAWA
Attorney for the County of Kauai

By _____
JOHN W. K.CHANG
Attorney for the Department of Business Economic Development and Tourism

By Cindy Y. Young
CINDY Y. YOUNG
Attorney for the County of Maui

By _____
LANI NAKAZAWA
Attorney for the County of Kauai

By _____
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

By _____
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Attorney for the Department of Business Economic Development and Tourism

By _____
CINDY Y. YOUNG
Attorney for the County of Maui

By _____
WARREN S. BOLLMEIER II
Hawaii Renewable Energy Alliance

By _____
LANI NAKAZAWA
Attorney for the County of Kauai

By _____
JOHN W. K.CHANG
Attorney for the Department of Business Economic Development and Tourism

APPROVED AND SO ORDERED this _____ day of _____, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
Wayne H. Kimura, Commissioner

By _____
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

_____
Kevin Katsura
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Prehearing Order No. _____ 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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DATED: _____ _____

EXHIBIT "A"
STIPULATED REGULATORY SCHEDULE
PROCEEDING TO INVESTIGATE COMPETITIVE BIDDING
Docket No. 03-0372

	DATE	PROCEDURAL STEPS
1.	March 3, 2004	Order No. 20834 filed by Commission
2.	Tuesday-Wednesday, September 28-29, 2004	Workshop
3.	Wednesday, January 12, 2005	Simultaneous Written Direct Testimonies, Exhibits, Workpapers and Preliminary Position Statement
4.	Monday, February 7, 2005	Simultaneous Information Requests to the Parties and Active Participants on their Written Direct Testimonies, Exhibits and Workpapers
5.	Monday, March 7, 2005	Simultaneous Responses to Information Requests filed by the Parties and Active Participants on their Written Direct Testimonies, Exhibits and Workpapers
6.	Monday, March 21, 2005	Simultaneous Supplemental Information Requests to the Parties and Active Participants on their Responses to Information Requests
7.	Monday, April 11, 2005	Simultaneous Responses to Supplemental Information Requests filed by the Parties and Active Participants on their Responses to Information Requests
8.	Monday, April 25, 2005	Settlement Conference
9.	Monday, May 16, 2005	Simultaneous Written Rebuttal Testimonies, Exhibits and Workpapers/Final Position Statements
10.	Wednesday, June 1, 2005	Simultaneous Rebuttal Information Requests to the Parties and Active Participants on their Written Rebuttal Testimonies, Exhibits and Workpapers

	DATE	PROCEDURAL STEPS
11.	Wednesday, June 15, 2005	Simultaneous Responses to Rebuttal Information Requests filed by the Parties and Active Participants on their Written Rebuttal Testimonies, Exhibits and Workpapers
12.	Wednesday, June 22, 2005	Prehearing Conference
13.	Week of July 11, 2005	Evidentiary Hearing (if no settlement)
14.	4 weeks after transcript completed and filed with the Commission	Simultaneous Post-Hearing Opening Briefs
15.	3 weeks after filing of Opening Briefs	Simultaneous Post-Hearing Reply Briefs

As stated in Section VII of the Stipulated Prehearing Order, the parties and Active Participants will exchange their filings, information requests and information request responses to the other parties and participants via diskette or e-mail in a standard electronic format that is readily available by the other parties and participants, to the extent that the information is available in electronic format. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Prehearing Order No. 20923 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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DATED: April 23, 2004