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.	)	

ORDER NO. 21575

Filed Jan. 28, 2005

At 2:45 o'clock P .M.

Karen Higashi

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

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PUBLIC UTILITIES COMMISSION	)	Docket No. 03-0372
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Instituting a Proceeding to Investigate Competitive Bidding for New Generating Capacity in Hawaii.	)	Order No. 21575

ORDER AMENDING PREHEARING ORDER NO. 20923 and CLARIFYING ORDER NO. 21037

By this order, the commission modifies Prehearing Order No. 20923, filed on April 23, 2004 by amending the procedural schedule and deleting paragraph 2 of Attachment 1, page 16, Section VIII to be consistent with a modified hearing format, as further described herein. The commission also clarifies Order No. 21037 by requiring all Parties and Participants to provide an electronic copy of all past and future filings with the commission in Word 97, Word 2000, or Word 2003, the standard programming format for filings in this case.

I.

Introduction

On April 23, 2004, the commission issued Prehearing Order No. 20923, setting forth the regulatory schedule and procedures that govern this proceeding.[1]

[1]On June 9, 2004, the commission issued an Order No. 21037 amending Prehearing Order No. 20922 by requiring the Parties and

On December 16, 2004[2], the commission issued a letter, informing the Parties and Participants[3] that it intends to implement a hearing format that is substantially similar to the hearing format recently implemented at the hearings held on December 8-10, 2004 in Docket No. 03-0371 relating to Distributed Generation.[4] By that same letter, the commission also gave the Parties and Participants an opportunity to submit proposals, jointly or independently, to amend Prehearing Order No. 20923 for the commission's review and approval.

On January 5, 2005, The Parties and Participants[5] submitted their joint proposal to modify Prehearing Order No. 20923. In particular, they proposed to modify the regulatory schedule established in Prehearing Order No. 20923 and requested that the Commission submit its discovery at the same time discovery is submitted by the Parties and Participants.

Participants to file the Original plus ten (10) copies of documents filed with the commission and requiring the parties to provide an electronic copy of all past and future filings with the commission.

[2]HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, INC. were sent copies of the letter on December 17, 2004.

[3]The Parties and Participants in this docket are the DVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"), HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), MAUI ELECTRIC COMPANY, LIMITED ("MECO"), THE GAS COMPANY ("TGC"), JOHNSON CONTROLS, INC. ("Johnson"), HESS MICROGEN ("Hess"), the COUNTY OF MAUI ("CoM"), HAWAII RENEWABLE ENERGY ALLIANCE ("HREA"), and the COUNTY OF KAUAI ("CoK")(collectively referred to as "Parties and Participants").

[4]See Order No. 21489, filed on December 1, 2004, in Docket No. 03-0371.

[5]Johnson Controls, Inc. did not submit a proposal.

By Order No. 21540, filed on January 11, 2005, the commission suspended all filings in this docket, until further order by the commission. On January 13, 2005, upon reviewing the January 5, 2005 joint proposal, the commission sent a letter to the Parties and Participants proposing an alternative proposed schedule and requesting comments on the proposed dates and revisions to the issues by January 21, 2005.

On January 21, 2005, the Consumer Advocate filed proposed revisions to the commission's alternative proposed schedule, particularly the commission's proposed due dates for the procedural steps contemplated for this proceeding in order to accommodate the procedural schedules in other docketed matters. The Consumer Advocate represents that HECO, HELCO, MECO, KIUC, THE GAS COMPANY, and the COUNTY OF KAUAI agreed with the Consumer Advocate's proposed revisions. The Consumer Advocate also represents that HAWAII RENEWABLE ENERGY ALLIANCE has indicated that either the commission's schedule or the Consumer Advocate's revisions are acceptable; the COUNTY OF MAUI and HESS MICROGEN have indicated that they support the commission's schedule, but will support the proposed Consumer Advocate's revised schedule, if the other Parties agree.

II.

Discussion

Based on our review, we find the Consumer Advocate's January 21, 2005 proposed revisions to the regulatory schedule ("amended regulatory schedule") to be reasonable, and thus will

approve and adopt the amended regulatory schedule in its entirety. The amended regulatory schedule, attached hereto as Exhibit "A", will replace and supersede any prior regulatory schedule approved by the commission in this docket. Although the commission has scheduled its own issuance date of information requests to the Parties and Participants, the commission notes that it will continue, like any other investigatory proceedings before the commission, to conduct its investigation as it deems necessary to ensure that it has a complete record to render an informed decision in this docket. In this regard, the commission may need to take a more active role in the discovery process, which may include additional information requests to the Parties and Participants.

In addition, the commission also finds it necessary to further amend Prehearing Order No. 20923, Exhibit 1, to be consistent with the modified hearing format. Page 6, Section IV should be deleted. Page 15, Section VIII should be amended by deleting paragraph 2.

Further, by this Order, the commission clarifies Order No. 21037, filed on June 9, 2004, by requiring all Parties and Participants to provide an electronic copy of all past and future filings with the commission in Word 97, Word 2000, or Word 2003, the standard programming format for filings in this case. Like other filings, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a Party or Participant shall not be required to convert

such workpapers, documentation, or exhibits into an electronic format.

III.

Order

THE COMMISSION ORDERS:

1. The Consumer Advocate's January 21, 2005 proposed revisions to the regulatory schedule attached hereto as Exhibit "A" is approved and shall be adopted in its entirety. Exhibit "A" shall replace and supersede any prior regulatory schedule approved by the commission in this docket.

2. Prehearing Order No. 20923 is amended consistent with the terms of this order. In all other respects, Prehearing Order No. 20923 remains unchanged.

3. Order No. 21037 is clarified to the extent provided in this Order.

DONE at Honolulu, Hawaii JAN 28 2005.

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

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.	Monday, March 14, 2005	Simultaneous Statements of Position, including support for the Position Statement (i.e. Exhibits and Workpapers)
4.	Monday, April 4, 2005	Simultaneous Information Requests to the Parties and Active Participants on their Position Statements, Exhibits and Workpapers
5.	Thursday, April 28, 2005	Simultaneous Responses to Information Requests filed by the Parties and Active Participants on the Parties/Active Participants Position Statements, Exhibits and Workpapers
6.	Friday, May 13, 2005	PUC Information Requests to the Parties and Active Participants on their Responses to Information Requests, Position Statements, Exhibits and Workpapers.
7.	Thursday, June 9, 2005	Response to PUC Information Requests to the Parties and Active Participants on their Responses to Information Requests, Position Statements, Exhibits and Workpapers.

8.	Thursday, August 11, 2005	Simultaneous Final Statements of Position, including support for Final Position Statement and comments on, or responses to Position Statements of the Other Parties/Active Participants. In addition, the Parties/Active Participants shall identify the witnesses who will be made available at the Evidentiary Hearing.
9.	Thursday, September 22, 2005	Simultaneous Information Requests to the Parties and Active Participants on their Final Position Statements, Exhibits and Workpapers.
10.	Thursday, October 6, 2005	Simultaneous Responses to Information Requests filed by the Parties and Active Participants on the Parties/Active Participants' Final Position Statements, Exhibits and Workpapers
11.	Tuesday, October 11, 2005	Prehearing Conference
12.	Week of October 17, 2005	Panel Hearing
13.	4 weeks after transcript completed and filed with the Commission	Simultaneous Post-Hearing Opening Briefs
14.	3 weeks after filing of Opening Briefs	Simultaneous Post-Hearing Reply Briefs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21575 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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Karen Higashi

Karen Higashi

DATED: January 28, 2005