

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. 22366

Filed March 31, 2006  
At 10:30 o'clock A.M.

Karen Higash  
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	)	Order No. 22366
Investigate Competitive Bidding	)	
for New Generating Capacity in	)	
Hawaii.	)	
_____	)	

ORDER

By this Order, the commission grants the Parties' request, dated March 24, 2006, to modify the Regulatory Schedule, as described herein.<sup>1</sup> However, as a condition to granting this request, the Parties, by accepting the modification to the Regulatory Schedule, acknowledge and agree to the possible participation and decision-making by one or more commissioners who were not present at the Panel Hearings held on December 12 - 16, 2005, as to the merits of the issues in this proceeding, without any further delay or additional procedural requirements.

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<sup>1</sup>The Parties are HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, KAUAI ISLAND UTILITY COOPERATIVE, HAWAII RENEWABLE ENERGY ALLIANCE, and the Department of Commerce, Division of Consumer Advocacy ("Consumer Advocate").

I.

Background

The Regulatory Schedule governing this proceeding currently sets forth the following deadlines and date and time for oral argument: (1) March 31, 2006, Parties' Joint Submission; (2) April 17, 2006, Parties' Opening Briefs; (3) May 1, 2006, Parties' Reply Briefs ; and (4) Oral Argument, May 2, 2006, 9:00 a.m.<sup>2</sup>

The Parties, by letter dated March 24, 2006, seek to modify the Regulatory Schedule as follows:<sup>3</sup>

<u>Procedural Step</u>	<u>Present Due Date</u>	<u>Proposed Due Date</u>
Parties' Proposed Competitive Bidding Framework <sup>4</sup>	March 31, 2006	May 1, 2006
Opening Briefs	April 17, 2006	May 8, 2006
Reply Briefs	May 1, 2006	May 22, 2006
Oral Argument	May 2, 2006	May 31, 2006

II.

Discussion

Hawaii Administrative Rules ("HAR") § 6-61-23(a)(1) provides the commission with the discretion, for good cause shown, to enlarge the period by which a required act must be

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<sup>2</sup>Order No. 22249, filed on January 27, 2006.

<sup>3</sup>Consumer Advocate's letter, dated March 24, 2006, submitted on the Parties' behalf.

<sup>4</sup>The Parties' previously identified this document as their Joint Submission.

completed, if a written request is made before the expiration of the period originally prescribed.

In support of their timely extension request, the Parties, through the Consumer Advocate, explain:

Due to the work required in other docketed matters<sup>5</sup> and the need to respond to legislative [matters] pertaining, in particular, to energy matters, the Parties have been unable to meet as frequently as anticipated. In addition, the schedule set forth in Order No. 22249 does not allow the Parties sufficient time to prepare: (a) the Opening Briefs since the April 17, 2006 filing date is one work day after the Parties are to file their respective Final Position Statements in Docket No. 05-0069 (April 13, 2006); and (b) review the Reply Briefs in preparation for Oral Arguments.

As a result, the Parties respectfully request a modification of the procedural schedule . . . to allow the Parties additional time to discuss a proposed Framework for a competitive bidding process. The modifications are intended to also allow the Parties sufficient time to prepare the Opening Briefs subsequent to the filing of the Final Position Statements in Docket No. 05-0069 and prepare for oral arguments after the Reply Briefs are filed.

. . . . .

The above proposed revisions will allow the Parties sufficient time to complete the remaining procedural steps and accommodate the procedural schedules in other docketed matters.<sup>6</sup>

Consumer Advocate's letter, dated March 24, 2006, at 1 - 2  
(footnotes and text therein retained).

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<sup>5</sup>For example, Docket Nos. 03-0260, 03-0417, 05-0069, 05-0103, and 05-0242.

<sup>6</sup>For example the expedited review schedules for Docket Nos. 05-0239, 05-0333, 05-0334 and the procedural steps set forth in the schedules for Docket No. 05-0103, 05-0145, 05-0146, and 05-0069.

Having reviewed the Parties' representations, the commission finds good cause to modify the Regulatory Schedule by enlarging the deadline dates and date for oral argument as requested by the Parties, above. Accordingly, the commission grants the Parties' request to modify the Regulatory Schedule. The commission finds, however, to avoid any further delays, the approval of this request should be conditioned on the Parties acknowledging and agreeing to the possible participation and decision-making by one or more commissioners who were not present at the Panel Hearings held on December 12 - 16, 2005, as to the merits in this proceeding, without any further delay or additional procedural requirements.<sup>7</sup>

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. The Parties' request, dated March 24, 2006, to modify the Regulatory Schedule is granted. Accordingly, the new deadline dates are as follows: (A) May 1, 2006, Parties' Proposed Competitive Bidding Framework; (B) May 8, 2006, Parties' Opening Briefs; and (C) Parties' Reply Briefs, May 22, 2006. In addition, Oral Argument is re-scheduled to May 31, 2006, 9:00 a.m., at the commission's hearing room (465 S. King Street, Room B-3).

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<sup>7</sup>Chairman Carlito P. Caliboso and Commissioner Janet E. Kawelo were present and participated in the Panel Hearings held on December 12 - 16, 2005. The Regulatory Schedule identified in Order No. 22249 was set by the commission with the intent to issue a written decision no later than June 30, 2006, the last day of Commissioner Kawelo's term as a commissioner.

2. The granting of this request is conditioned on the Parties' acknowledgement and agreement by accepting the modification to the Regulatory Schedule described herein to the possible participation and decision-making by one or more commissioners who were not present at the Panel Hearings held on December 12 - 16, 2005, as to the merits in this proceeding, without any further delay or additional procedural requirements.

DONE at Honolulu, Hawaii MAR 31 2006.

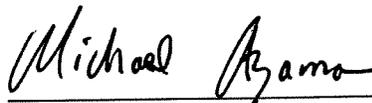
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

05-0372.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22366 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

DATED: MAR 31 2006