BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)) HAWAIIAN ELECTRIC COMPANY, INC.)) For Approval to Commit Funds in) Excess of $500,000 for Item Y48500,) East Oahu Transmission Project.))	DOCKET NO. 03-0417

ORDER NO. 20862

Filed March 23, 2004

At 11:00 o'clock A.M.

Karen Higashi

Chief Clerk of the Commission

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ORDER

I.

Introduction

On December 18, 2003, HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") filed an application requesting commission approval to, among other things, commit approximately $55,424,000 for Item Y48500, East Oahu Transmission Project ("proposed project"), in accordance with paragraph 2.3.g.2 of the commission's General Order No. 7, Standards of Electric Utility Service in the State of Hawaii.

HECO served copies of the application on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"), an *ex officio* party to this docket, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

On January 7, 2004, Michelle S. Matson ("Ms. Matson") and Carolyn H. Walthers ("Ms. Walthers")(collectively referred to as the "Movants") timely filed their respective motions to intervene in this docket. On January 16, 2004, Ms. Matson filed

an errata sheet providing her address to the commission, in compliance with HAR § 6-61-16(b). On January 16, 2004, HECO filed memoranda in response to the Movants' respective motions to intervene, proposing that each of the Movants be allowed to participate in the proceeding, without being allowed to intervene as a party.

II.

Discussion

HAR § 6-61-55, which governs intervention in our proceedings, requires, among other things, the movant to state the facts and reasons for the proposed intervention, and its position and interest thereto. Furthermore, HAR § 6-61-55(d) states that "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented."

A.

Ms. Matson

Ms. Matson, an individual who resides on Gail Street (which is in the vicinity of Kapiolani Park), is "an individual landowner in the East Oahu area" who "is active in environmental, conservation, and community organizations in Honolulu, and is concerned about any and all environmental impacts ... created by overhead transmission lines." In her motion to intervene, Ms. Matson alleges, among other things, that she has an interest in this docket because she has a need "to protect her stated

property and environmental interests, which are currently unrepresented in this proceeding." Ms. Matson contends her interests differ from that of the Consumer Advocate by stating that the Consumer Advocate, "who represents consumers' or ratepayers' interests," will not adequately represent her "property and environmental interests."

We find that Ms. Matson failed to, among other things, satisfactorily demonstrate that her interests are reasonably pertinent to the matters presented. Moreover, Ms. Matson failed to substantiate how she will assist in the development of a sound record and refrain from unreasonably broadening the issues already presented.

We, therefore, find that Ms. Matson did not satisfy the requirements of HAR § 6-61-55. Accordingly, we conclude that Ms. Matson's motion to intervene should be denied.

B.

Ms. Walthers

Ms. Walthers is an "individual landowner in the East Oahu area" who "is active in environmental, conservation, and community interests and organizations, and concerned about any and all environmental impacts ... created by overhead transmission lines [and] the disruption to the neighborhood areas affected." Ms. Walthers contends that she has an interest in this docket because she "is concerned about environmental and property interests and health and welfare of those who will be affected by HECO's proposal." Like Ms. Matson, Ms. Walthers

suggests that her interests differ from that of the Consumer Advocate. She states that the Consumer Advocate "is bound by law to represent the interests of the general public", whereas Ms. Walthers is "concerned with environmental impacts and property values in Palolo, as well as the larger East Oahu."

We find that Ms. Walthers failed to, among other things, satisfactorily demonstrate that her interests are reasonably pertinent to the matters presented. Moreover, Ms. Walthers failed to substantiate how she will assist in the development of a sound record and refrain from unreasonably broadening the issues already presented.

Therefore, we find that Ms. Walthers did not satisfy the requirements of HAR § 6-61-55. Accordingly, we conclude that Ms. Walthers's motion to intervene should be denied.

III.

Orders

THE COMMISSION ORDERS:

1. Ms. Matson's motion to intervene is denied.
2. Ms. Walther's motion to intervene is denied.

DONE at Honolulu, Hawaii this 23rd day of March, 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:

_____
Catherine P. Awakuni
Commission Counsel

03-0417.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20862 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: March 23, 2004