

✓ BKK

FILED

2005 JUN 17 A 10: 36

PUBLIC UTILITIES  
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of )  
 )  
HAWAIIAN ELECTRIC COMPANY, INC. )  
 )  
For Approval and/or Modification of )  
Demand-Side and Load Management )  
Programs and Recovery of Program )  
Costs and DSM Utility Incentives. )  
\_\_\_\_\_ )

DOCKET NO. 05-0069

COUNTY OF KAUA'I'S MOTION  
TO PARTICIPATE OR INTERVENE

AND

CERTIFICATE OF SERVICE

LANI D. H. NAKAZAWA 1818  
LAUREL LOO 4806  
JAMES K. TAGUPA 4857  
Office of the County Attorney  
County of Kaua'i  
4444 Rice Street, Suite 220  
Līhu'e, Hawai'i 96766-1300  
Telephone: (808) 241-6315

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of	)	
	)	
HAWAIIAN ELECTRIC COMPANY, INC.	)	
	)	DOCKET NO. 05-0069
For Approval and/or Modification of	)	
Demand-Side and Load Management	)	
Programs and Recovery of Program	)	
Costs and DSM Utility Incentives.	)	
_____	)	

**COUNTY OF KAUAI'S MOTION TO PARTICIPATE OR TO INTERVENE**

The Administration of the COUNTY OF KAUAI, a political subdivision of the State of Hawaii (County), by and through its attorneys, Lani D. H. Nakazawa, Laurel Loo, and James K. Tagupa, hereby moves this honorable Public Utilities Commission (Commission) to authorize the County to intervene on a limited basis in Docket No. 05-0069, a proceeding to address four preliminary issues regarding energy efficiency goals, programs, and cost recovery mechanisms related to statewide energy policy.

The County desires limited intervenor status to provide the Commission input on the impact of the docket issues on the island.

In support of its Motion, the County represents and asserts it meets the Commission's requirements to participate or intervene. Although the deadline to intervene or participate in the original docket has passed, the scope of the docket was enlarged by Order No. 21861, filed on June 7, 2005 (Order No. 21861), to affect not

only the original applicant, Hawaiian Electric Company, Inc. but the Kaua'i Island Utility Cooperative (KIUC). The County was made aware of the expansion of the docket only last week. Since this motion for intervention or participation is filed within twenty days of the order making KIUC a party, the County respectfully requests its motion for intervention or participation be granted under Hawai'i Administrative Rules 6-61-57(3)(B).

I. NATURE OF THE COUNTY'S STATUTORY OR OTHER RIGHT TO PARTICIPATE IN THE HEARING

The interest of the County in this docket is its status as a member/owner of KIUC and as the governing body for all Kaua'i residents, who comprise KIUC's members and owners. Under the Kaua'i County Charter, the County is mandated to protect the welfare of its residents and to maintain, protect and advance the interests of the public.

II. NATURE AND EXTENT OF THE COUNTY'S PROPERTY, FINANCIAL, AND OTHER INTEREST IN THE PENDING MATTER

The County also has property and financial interest in this proceeding as a major consumer of electricity on the island. The County's electric utility bills totaled more than \$4.7 million in 2004.

III. EFFECT OF THE PENDING ORDER AS TO THE COUNTY'S INTEREST

Order No. 21861 sets forth five preliminary issues of importance to promote energy efficiency. The policies set in this docket will affect electric utility customers statewide and touch on areas of public interest and concern. Since the scope of the

docket was extended to include KIUC, the interests of the County and its constituents will be affected.

**IV. OTHER MEANS AVAILABLE WHEREBY THE COUNTY'S INTEREST WILL BE PROTECTED**

There are no other means available whereby the County's interest will be protected. None of the parties known to the County, including the Division of Consumer Advocacy, have the same interests as the County as the governing entity for the members and shareholders of KIUC.

**V. EXTENT TO WHICH THE APPLICANT'S INTEREST WILL NOT BE REPRESENTED BY THE EXISTING PARTIES**

Although the Department of Defense (DoD) has similar status as a large consumer, its consumption on the island of Kaua'i is less than the County's and most of its consumption is limited to a small geographic area, as opposed to islandwide. The DoD also does not have County's responsibility for furnishing electricity to support the essential services to the people of the island, such as refuse, police, and social services. Therefore, the DoD cannot protect the County's interests.

**VI. EXTENT TO WHICH THE APPLICANT'S PARTICIPATION CAN ASSIST IN THE DEVELOPMENT OF A SOUND RECORD**

The County has knowledge of KIUC's operations and the impact of its operations on the island of Kaua'i. The County's knowledge and the expertise of its energy

coordinator can assist in developing the record relating to issues on the island of Kaua'i.

**VII. EXTENT TO WHICH THE APPLICANT'S PARTICIPATION WILL BROADEN THE ISSUES OR DELAY THE PROCEEDINGS**

The County's participation will not broaden the issues or delay the proceedings. The County seeks limited intervention or participation, and will address only those issues which apply to the island of Kaua'i or are specifically directed to the County by the Commission.

**VIII. EXTENT TO WHICH THE APPLICANT'S INTEREST IN THE PROCEEDING DIFFERS FROM THAT OF THE GENERAL PUBLIC**

As stated in paragraph V., above, the County's interest in the proceeding differs from that of the general public because the County is one of the largest users on the island and has the responsibility for ensuring that sufficient electricity is available for providing essential services.

**IX. WHETHER THE APPLICANT'S POSITION IS IN SUPPORT OF OR IN OPPOSITION TO THE RELIEF SOUGHT**

The Commission has identified four preliminary issues to be addressed in the docket. The County's positions on these issues will promote the maximum participation of KIUC's members and owners when goals and policies are developed. The County will also advocate Commission oversight over KIUC programs to make certain Kaua'i County receives maximum benefit from energy efficiency programs, the programs advance the State's energy policies, and the programs benefit, rather than burden, KIUC's ratepayers/members/owners. The

County will urge the Commission to consider that KIUC, as a co-op, should not be viewed the same as investor-owned utilities.

For all of the foregoing reasons, the County respectfully requests the Commission to grant the County intervenor status, limited to taking positions on issues as they relate to the island of Kaua'i or KIUC. If the Commission deems intervenor status inappropriate, the County requests participant status, with the same limitations.

DATED: Līhu'e, Kaua'i, Hawai'i, June 17, 2005.



---

LANI D. H. NAKAZAWA  
LAUREL LOO  
JAMES K. TAGUPA  
Attorneys for the County of Kaua'i

CERTIFICATE OF SERVICE

I hereby certify that I have this date served copies of the foregoing **COUNTY OF KAUAI'S MOTION TO PARTICIPATE OR TO INTERVENE** in Docket No. 05-0069 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  
Division of Consumer Advocacy  
P. O. Box 541  
Honolulu, HI 96809

William A. Bonnet  
Vice President – Government and Community Affairs  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, HI 96840-0001

Patsy H. Nanbu  
Controller  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, HI 96840-0001

Darcy Endo-Omoto  
Acting Director – Regulatory Affairs  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, HI 96840-0001

Thomas W. Williams, Jr., Esq.  
Peter Y. Kikuta, Esq.  
Goodsill Anderson Quinn & Stifel  
Ali'i Place, Suite 1800  
1099 Alakea Street  
Honolulu, HI 96813

Dr. Kay Davoodi  
Utilities Rates and Studies Office  
NAVFAC WASHINGTON  
1314 Harwood Street, S.E.  
Washington Navy Yard, DC 20374-5018

Randall Y. K. Young, Esq.  
Naval Facilities Engineering Command Pacific  
258 Makalapa Drive, Suite 100  
Pearl Harbor, HI 96860-3134

E. Kyle Datta  
Rocky Mountain Institute  
P. O. Box 390303  
Keauhou, HI 96739

Henry Q. Curtis  
Vice President for Consumer Issues  
Life of the Land  
76 North King Street, Suite 203  
Honolulu, HI 96817

Brian T. Moto, Esq.  
Cindy Y. Young, Esq.  
Department of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku HI 96793

Richard R. Reed  
President  
Hawai'i Solar Energy Association  
P. O. Box 37070  
Honolulu, HI 96837

Warren S. Bollmeier, II  
President  
Hawai'i Renewable Energy Alliance  
46-040 Konane Place, #3816  
Kaneohe, HI 96744

Edward Reinhardt  
President  
Maui Electric Company, Ltd.  
P. O. Box 398  
Kahului HI 96733-6898

Warren Lee  
President  
Hawai'i Electric Light Company, Inc.  
P. O. Box 1027  
Hilo HI 96721-1027

Mr. H. A. Dutch Achenbach  
Mr. Joseph McCawley  
Mr. Michael Yamane  
Kaua'i Island Utility Cooperative  
4463 Pahe'e Street  
LThu'e, HI 96766-2032

Glenn Sato, Energy Coordinator  
c/o Office of the County Attorney  
County of Kaua'i  
4444 Rice Street, Suite 220  
LThu'e HI 96766

Jim R. Yates  
President  
The Gas Company  
P. O. Box 3000  
Honolulu, HI 96802

Steven P. Golden  
Director External Affairs & Planning  
The Gas Company  
P. O. Box 3000  
Honolulu, HI 96802

DATED: LThu'e, Kaua'i, Hawai'i, June 17, 2005.

  
LANI D. H. NAKAZAWA