

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
HAWAIIAN ELECTRIC COMPANY, INC. )  
HAWAII ELECTRIC LIGHT COMPANY, INC.)  
MAUI ELECTRIC COMPANY, LIMITED )  
 )  
For Approval of Waivers from the )  
Competitive Bidding Framework. )  
\_\_\_\_\_ )

DOCKET NO. 2008-0061

ORDER APPROVING THE PARTIES'  
PROPOSED PROCEDURAL ORDER, AS MODIFIED

PUBLIC UTILITIES  
COMMISSION

2008 JUN 18 P 1:45

FILED



Hawaii (the "Na Makani Project"); (2) Waikoloa Wind Power LLC, a 10.25 MW wind farm/battery energy storage project, located near the Waikoloa area on the island of Hawaii; and (3) Bio Energy Systems of Hawaii, Inc., a 5.5 MW firm capacity biomass project, located on the island of Maui.<sup>2</sup> The HECO Companies make their request for waivers pursuant to Part II.A.3 and 4 of the CB Framework.

On April 22, 2008, Na Makani filed a Motion to Intervene. On May 7, 2008, the commission: (1) granted Na Makani's Motion to Intervene, limited to the Na Makani Project; and (2) instructed the Parties to submit, by June 12, 2008, a stipulated procedural schedule for the commission's review and consideration.<sup>3</sup>

On June 10, 2008, the Parties submitted their Stipulated Procedural Order, which outlines the proposed schedule of proceedings to govern this docket.<sup>4</sup>

## II.

### Stipulated Procedural Order, As Modified

Upon review, the commission approves the Parties' Stipulated Procedural Order, subject to certain modifications. Specifically, for Section I, Schedule of Proceedings: (1) the filing date of the Parties' Stipulated Procedural Order is

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<sup>2</sup>Application; Verification; Exhibits A - E; and Certificate of Service, filed on April 3, 2008.

<sup>3</sup>Order No. 24182, filed on May 7, 2008.

<sup>4</sup>A copy of the Stipulated Procedural Order is attached as an exhibit to this Order.

changed from June 12, 2008 to June 10, 2008; and (2) the reference to "and the parties do not waive the right to a hearing" is deleted, as there is no right to a hearing under Part II.A.3 and 4 of the CB Framework. Accordingly, pages 3 and 4 of the Stipulated Procedural Order are modified to now read as follows, in relevant part:<sup>5</sup>

I. SCHEDULE OF PROCEEDINGS

.....

Stipulated Procedural Order June [12, 110, 2008

.....

If there are substantial disagreements following the filing of the Position Statements, and the parties cannot resolve the differences by stipulation [and the parties do not waive the right to a hearing,] the parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

III.

Order

THE COMMISSION ORDERS:

1. The Parties' proposed Stipulated Procedural Order, filed on June 10, 2008, is approved, as modified, consistent with the terms of this Order.

2. Pages 3 and 4 of the Stipulated Procedural Order are modified to read as follows, in relevant part:

I. SCHEDULE OF PROCEEDINGS

.....

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<sup>5</sup>Deletions are bracketed, additions are underscored.

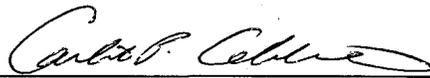
Stipulated Procedural Order June 10, 2008

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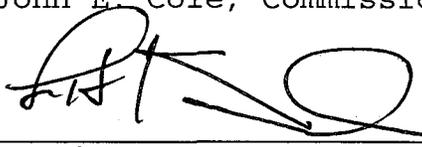
If there are substantial disagreements following the filing of the Position Statements, and the parties cannot resolve the differences by stipulation, the parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

DONE at Honolulu, Hawaii JUN 18 2008.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By:   
Carlito P. Caliboso, Chairman

By:   
John E. Cole, Commissioner

By:   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

2008-0061.sl

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Docket No. 2008-0061

PUBLIC UTILITIES  
COMMISSION

2008 JUN 10 P 4: 00

FILED

STIPULATED PROCEDURAL ORDER NO. \_\_\_\_\_

Filed \_\_\_\_\_, 2008

At \_\_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
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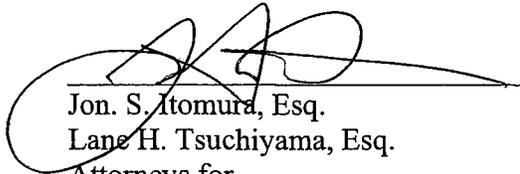
STIPULATED PROCEDURAL ORDER

The parties to this proceeding, Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO"), Maui Electric Company, Limited ("MECO"), Na Makani Moa'e Ku ("Na Makani") and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, June 10, 2009.



Thomas W. Williams, Esq.  
Peter Y. Kikuta, Esq.  
Damon L. Schmidt, Esq.  
Attorneys for  
Hawaiian Electric Company, Inc.  
Maui Electric Company, Limited



Jon. S. Atomura, Esq.  
Lane H. Tsuchiyama, Esq.  
Attorneys for  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs

\_\_\_\_\_  
Ian Robertson  
Co-Manager  
Na Makani

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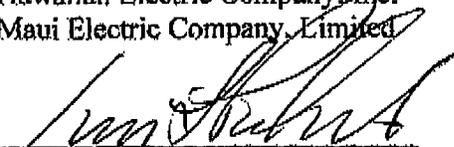
STIPULATED PROCEDURAL ORDER

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DATED: Honolulu, Hawaii, \_\_\_\_\_.

\_\_\_\_\_  
 Thomas W. Williams, Esq.  
 Peter Y. Kikuta, Esq.  
 Damon L. Schmidt, Esq.  
 Attorneys for  
 Hawaiian Electric Company, Inc.  
 Maui Electric Company, Limited

\_\_\_\_\_  
 Jon. S. Itomura, Esq.  
 Lane H. Tsuchiyama, Esq.  
 Attorneys for  
 Division of Consumer Advocacy  
 Department of Commerce and Consumer Affairs

  
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 Ian Robertson  
 Co-Manager  
 Na Makani

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Competitive Bidding Framework	)	
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STIPULATED PROCEDURAL ORDER

On April 3, 2008, Hawaiian Electric Company, Inc. (“HECO”), Hawaii Electric Light Company, Inc. (“HELCO”), Maui Electric Company, Limited (“MECO”)<sup>1</sup> filed an application requesting Commission approval of waivers from the Competitive Bidding Framework<sup>2</sup> for the Na Makani Moa’e Ku, Waikoloa Wind Power LLC, and Bio Energy Systems of Hawaii, Inc. projects.

On April 22, 2008, Na Makani Moa’e Ku (“Na Makani”) filed a Motion to Intervene in the subject proceeding.

On April 23, 2008, the Commission issued Protective Order No. 24165.

On April 25, 2008, pursuant to Protective Order No. 24165, the HECO Companies filed the confidential information contained in Application Exhibit A, page 3, and Exhibit D, page 2.

By Order No. 24182, filed May 7, 2008, the Commission granted Na Makani’s Motion to Intervene. The Commission named the HECO Companies, Na Makani and the Consumer

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<sup>1</sup> HECO, HELCO and MECO are collectively referred to as the “HECO Companies”.

<sup>2</sup> The Framework for Competitive Bidding, adopted by the Commission in Decision and Order No. 23121 (“D&O No. 23121”), issued December 8, 2006 in Docket No. 03-0372 is referred to as the “Competitive Bidding Framework”.

Advocate (collectively the "Parties") as parties to the subject proceeding. Order No. 24182 required the Parties to submit by June 12, 2008, a Stipulated Procedural Schedule that identifies the agreed-upon dates for the Parties to file their respective position statements, provided that if the Parties are unable to agree on a joint procedural schedule, each party shall submit its own proposal by the same date.

The Parties have reached agreement on procedural matters and submit this Stipulated Procedural Order to the Commission, which is acceptable to the Parties.

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

#### I. SCHEDULE OF PROCEEDINGS

The parties shall adhere to the schedule of proceedings set forth as follows:

HECO Companies Waiver Application	April 3, 2008
Na Makani Motion to Intervene	April 22, 2008
Protective Order No. 24165 issued	April 23, 2008
Confidential Exhibits to the Application filed	April 25, 2008
Order No. 24182 issued	May 7, 2008
Stipulated Procedural Order	June 12, 2008
Technical Meeting, if needed	To be determined by the Parties
Simultaneous Position Statements	July 10, 2008
Simultaneous Reply Position Statements, if necessary*	

\* If the Consumer Advocate objects to approval of the waivers from competitive bidding, or requests that approval be subject to conditions.

If there are substantial disagreements following the filing of the Position Statements, and

the parties cannot resolve the differences by stipulation and the parties do not waive the right to a hearing, the parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

If the Parties determine that Reply Position Statements are unnecessary, the Parties will notify the Commission that the proceeding is ready for decision making.

Notwithstanding anything to the contrary contained herein, the parties shall have the right to request an amendment to the Schedule of Proceedings as may be mutually agreed to by the affected parties in writing from time to time. Such mutual agreement to request an amendment to the Schedule of Proceedings shall be set forth in and by letter filed with the Commission and the affected parties may mutually agree to revise any scheduled matter set forth therein except for the date of the Evidentiary Hearing, if any. Such letter shall constitute the requested amendment to this Stipulated Procedural Order upon filing with the Commission and shall be effective upon approval by the Commission unless otherwise ordered by the Commission.

The intent of the parties in agreeing to a procedural schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the procedural schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

## **II. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS**

### **A. Matters of Public Record**

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that HECO or MECO has filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric 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 further provided that any party 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 proffers such document for admission as evidence in this case.

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

**B. Copies of Position Statements, Data Filings, Briefs**

1. Position Statements, Data Filings, Briefs:

Commission	Original + 8 copies
HECO Companies	3 copies
Consumer Advocate	3 copies
Na Makani	3 copies

2. All position statements, pleadings, briefs and other documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and 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.

3. Copies of all filings should be sent to the other parties by hand delivery or United States mail (first class, postage prepaid). In addition, if available, all parties shall provide copies

of their filings to the other parties via diskette, CD or e-mail in a standard electronic format that is readily available by the parties. The parties 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 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 is delivered to a party via diskette, CD or e-mail, unless otherwise agreed to by such party, the same number of hard copies of such filing must still be delivered to such party by hand delivery or United States mail (first class, postage prepaid) as provided in Part E, above.

**C. 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, and the Commission. However, the parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

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

**D. General**

These procedures are consistent with the orderly conduct of this docket. This Stipulated

Procedural Order shall control the subsequent courses of these proceedings, unless modified by the Parties in writing and approved by the Commission, or upon the Commission's own motion.

This Stipulated Procedural Order may be executed by the parties 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 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.

DONE at Honolulu, Hawaii, \_\_\_\_\_

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By \_\_\_\_\_  
Carlito P. Caliboso, Chairman

By \_\_\_\_\_  
John E. Cole, Commissioner

By \_\_\_\_\_  
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

By \_\_\_\_\_  
Michael Azama  
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Procedural Order No. \_\_\_\_\_ upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
335 Merchant Street, Room 326  
Honolulu, Hawaii 96813

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PETER Y. KIKUTA, ESQ.  
DAMON L. SCHMIDT, ESQ.  
Goodsill Anderson Quinn & Stifel  
Alii Place, Suite 1800  
1099 Alakea Street  
Honolulu, HI 96813

WILLIAM A. BONNET  
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Honolulu, HI 96840-0001

DEAN MATSUURA  
MANAGER, REGULATORY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P. O. Box 2750  
Honolulu, HI 96840-0001

IAN ROBERTSON  
Co-Manager  
Na Makani Moa'e Ku  
76-6188 Alii Drive  
Kailua-Kona, HI 96740

---

Karen Higashi

DATED: \_\_\_\_\_

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
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Honolulu, HI 96809

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DEAN MATSUURA  
MANAGER, REGULATORY AFFAIRS  
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DAMON L. SCHMIDT, ESQ.  
GOODSILL ANDERSON QUINN & STIFEL  
Alii Place, Suite 1800  
1099 Alakea Street  
Honolulu, HI 96813

Counsel for HECO, HELCO, and MECO

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NA MAKANI MOA'E KU  
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Kailua-Kona, HI 96740