

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 HAWAIIAN ELECTRIC COMPANY, INC.)
)
 For a Declaratory Ruling on the)
 Applicability of Hawaii Revised)
 Statutes Sections 269-27.5 and)
 269-27.6 to Item P0000927, the)
 Mililani Mauka Unit 134A)
 (as Revised) Project.)
 _____)

DOCKET NO. 04-0067

ORDER NO. 20915

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DIV. OF REGULATORY AGENCY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed April 16, 2004
At 1:00 o'clock P .M.

Karen Higashi.
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of))	
HAWAIIAN ELECTRIC COMPANY, INC.))	Docket No. 04-0067
For a Declaratory Ruling on the))	Order No. 20915
Applicability of Hawaii Revised))	
Statutes Sections 269-27.5 and))	
269-27.6 to Item P0000927, the))	
Mililani Mauka Unit 134A))	
(as Revised) Project.))	
_____))	

ORDER

I.

Background

For Item P0000927, the Mililani Mauka Unit 134A Project, as revised, HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") seeks a declaratory ruling that: (1) a public hearing is not required under Hawaii Revised Statutes ("HRS") § 269-27.5; and (2) HRS § 269-27.6(a) does not apply.¹ HECO makes its request for declaratory relief in accordance with Hawaii Administrative Rules ("HAR") chapter 6-61, subchapter 16.

In the alternative, if the commission concludes that:

1. A public hearing is required under HRS § 269-27.5, HECO requests that the commission conduct a public hearing; and
2. HRS § 269-27.6(a) applies, HECO requests that the commission "determine that the portion of the 46 kV line to be

¹HECO's petition, filed on April 12, 2004.

relocated for Item P0000927, Mililani Mauka Unit 134A (as revised), be constructed below the surface of the ground[.]"²

HECO served copies of its petition upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate").

The Mililani Mauka Unit 134A Project, as revised ("Project"), involves the relocation of an existing segment of a 46 kilovolt ("kV") overhead line located near Koolani Drive and Ukuwai Street in Mililani Mauka. The subdivision's developer, Castle & Cooke, requests the relocation, and will finance the Project's entire cost, estimated at \$148,000. The scope of work will include:

1. Extending an existing ductline located below Koolani Drive.

2. Installing a new wood riser pole "in the existing overhead alignment[.]"

3. Removing "[t]wo existing 65-foot wood poles, approximately 540 circuit feet of existing 46 kV overhead conductors, and approximately 220 circuit feet of existing 46 kV underground cables[.]"

4. Installing approximately 530 circuit feet of cable, approximately 360 feet of underground ducts, and one (1) manhole.

No new overhead conductors will be installed.

²Id.

II.

Declaratory Action

Two (2) deadlines currently apply to HECO's petition for declaratory action: (1) May 3, 2004, the deadline for interested persons to file motions to intervene or participate; and (2) May 27, 2004, the forty-five (45)-day deadline governing commission action on HECO's petition for declaratory ruling.³ Given the May 27, 2004 deadline, the commission directs the Consumer Advocate to complete its investigation and file its position statement on HECO's petition by May 12, 2004.

III.

Order

THE COMMISSION ORDERS that the Consumer Advocate shall complete its investigation and file its position statement on HECO's petition by May 12, 2004. In the event the commission denies HECO's request for declaratory relief, or issues a ruling that is adverse to HECO's underlying request, the Consumer Advocate shall have the right to: (1) participate in the public hearing; and (2) submit its follow-up position statement, as authorized by HRS § 269-27.6(a)(4).

³HAR §§ 6-61-57(3)(A) and 6-61-162(a), respectively. The commission notes that, in the event it denies HECO's request for declaratory relief, or issues a ruling that is adverse to HECO's underlying request, the forty-five (45) day deadline will not apply to HECO's alternative requests that the commission: (1) conduct a public hearing; and (2) make the necessary findings under HRS § 269-27.6(a).

DONE at Honolulu, Hawaii this 16th day of April, 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:


Michael Azama
Commission Counsel

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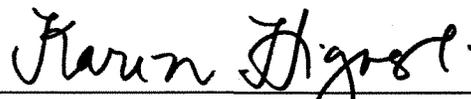
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20915 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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DIVISION OF CONSUMER ADVOCACY
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Karen Higashi

DATED: April 16, 2004