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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
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)
Items P0000658, the Waiiau 9 Exhaust)
Duct Replacement project)
_____)

DOCKET NO. 04-0109

ORDER NO. 21189

Filed July 29, 2004
At 2 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 Application of)
HAWAIIAN ELECTRIC COMPANY, INC.) Docket No. 04-0109
For approval to commit funds in) Order No. 21189
Excess of \$500,000 for)
Items P0000658, the Waiiau 9 Exhaust))
Duct Replacement project)

ORDER

I.

Introduction

On May 14, 2004, HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") filed an application for approval to commit funds in excess of \$500,000 for Items P0000658, The Waiiau 9 exhaust duct replacement project. Applicant seeks approval pursuant to General Order No. 7, Standards for Electric Utility Service in the State of Hawaii, to commit funds for and to commence construction that is expected to cost in excess of \$500,000.

On July 12, 2004, HECO and the Consumer Advocate (collectively, "Parties") filed their Proposed Stipulated Procedural Order for commission review and approval.

Upon review, the commission will approve the Parties' Proposed Stipulated Procedural Order, and incorporate it as part of this order, attached hereto as Exhibit 1, subject to one modification to the Proposed Stipulated Scheduling Order, as described below.

On page 3 of the Proposed Stipulated Procedural Order, the Parties acknowledge that under Section 2.3.g.2 of the commission's General Order No. 7, the commission's 90-day period to act upon the Application and render a Decision and Order is August 12, 2004. However, given the schedule agreed to by the Parties, HECO requests an extension of the 90-day period for the commission to act upon the Application until 20 days after either: (1) HECO provides notice that the proceeding is ready for decision making (and HECO does not file a Reply Statement of Position ("SOP")) or (2) HECO files a Reply SOP. The commission will modify this section by placing a 30-day instead of a 20-day deadline to act upon the Application.

II.

Orders

THE COMMISSION ORDERS that the Parties' Proposed Stipulated Procedural Order, filed on July 12, 2004, is approved and incorporated as part of this order (attached hereto as Exhibit 1), subject to one modification described above.

DONE at Honolulu, Hawaii this 29th day of July, 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:


Kevin M. Katsura
Commission Counsel

04-0109.eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ELECTRIC COMPANY, INC.) Docket No. 04-0109
)
for approval to commit funds in excess of)
\$500,000 for Item P0000658, the Waiau 9)
Exhaust Duct Replacement project.)
_____)

STIPULATED PROCEDURAL ORDER NO. _____

Filed _____, 2004

At _____ o'clock _____ .M.

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ELECTRIC COMPANY, INC.) Docket No. 04-0109
)
for approval to commit funds in excess of)
\$500,000 for Item P0000658, the Waiau 9)
Exhaust Duct Replacement project.)
_____)

STIPULATED PROCEDURAL ORDER

Applicant Hawaiian Electric Company, Inc. (“HECO”) 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, July 12, 2004.



WILLIAM A. BONNET
Vice President, Government
and Community Affairs
Hawaiian Electric Company, Inc.



JOHN E. COLE
Executive Director
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

| | | |
|---|---|--------------------|
| In the Matter of the Application of |) | |
| |) | |
| HAWAIIAN ELECTRIC COMPANY, INC. |) | Docket No. 04-0109 |
| |) | |
| for approval to commit funds in excess of |) | |
| \$500,000 for Item P0000658, the Waiiau 9 |) | |
| Exhaust Duct Replacement project. |) | |
| _____ |) | |

STIPULATED PROCEDURAL ORDER

On May 14, 2004, Hawaiian Electric Company, Inc. (“HECO”) filed an application for approval to commit funds in excess of \$500,000 for Item P0000658, the Waiiau 9 Exhaust Duct Replacement project. HECO served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the “Consumer Advocate” or “CA”).

By Order No. 21065, filed June 17, 2004, the Commission directed HECO and the Consumer Advocate to submit a stipulated procedural schedule for the Commission’s consideration and approval by June 28, 2004 (ten days from the date of Order No. 21065).¹

HECO and the Consumer Advocate have reached agreement on procedural matters and submit this Stipulated Procedural Order to the Commission, which is acceptable to the parties.

¹ Ten days from June 17, 2004 is Sunday, June 27, 2004. The next business day is Monday, June 28, 2004.

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

I.

STATEMENT OF THE ISSUES

The issues in this docket are:

1. Is HECO's proposed action to replace the Waiiau 9 Exhaust Duct reasonable?
2. Are the estimated project costs reasonable?

II.

SCHEDULE OF PROCEEDINGS

| | |
|--|--------------------|
| HECO Application for Waiiau 9 Exhaust Duct Replacement | May 14, 2004 |
| CA Information Requests ("IRs") to HECO ² | July 23, 2004 |
| HECO IR Responses to CA ¹ | August 6, 2004 |
| CA Supplemental IRs ("SIRs") ¹ , if necessary | August 23, 2004 |
| HECO Responses to SIRs ¹ | September 7, 2004 |
| CA Statement of Position ("SOP") | September 20, 2004 |
| HECO SOP, if necessary* | September 27, 2004 |

* If the CA objects to approval of the application, or requests that approval be subject to conditions.

If there are substantial disagreements following the filing of the SOPs, and the

² Whenever possible, parties will provide copy of documents on diskette upon request.

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 HECO determines that a Reply SOP is unnecessary, HECO and the CA will notify the Commission that the proceeding is ready for decision making.

The parties acknowledge that under Section 2.3.g.2 of the Commission's General Order No. 7, the Commission's 90-day period to act upon the Application and render a Decision and Order expires on August 12, 2004. Given the schedule agreed to by the parties, HECO requests an extension of the 90-day period for the Commission to act upon the Application until 20 days after HECO provides notice that the proceeding is ready for decision making (and HECO does not file a Reply SOP) or 20 days after HECO files its Reply SOP. Such request is subject to Commission approval.

If the parties propose a hearing schedule (because there are substantial disagreements following the filing of the SOPs, and the parties cannot resolve the differences by stipulation and the parties do not waive the right to a hearing), HECO requests an extension of the 90 day period for the Commission to act upon the Application until 45 days after the submittal of post-hearing briefs. Such request is subject to Commission approval.

III.

MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

To the extent practical, HECO and the Consumer Advocate will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The parties shall then endeavor to agree upon a later date for submission of the requested information.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials, the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request may make the diskette or such electronic medium available to the other party and the Commission.

A party shall not be required, in a response to an information request, to provide data that are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu

of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document. In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information pursuant to a protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

B. Matters of Public Record

In order to provide a means to reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that HECO 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.

C. Copies of Filings and Information Requests.

1. Filings:

| | |
|-------------------|---------------------|
| Commission | Original + 8 copies |
| HECO | 2 copies |
| Consumer Advocate | 2 copies |

2. Information Requests and Responses:

| | |
|-------------------|---------------------|
| Commission | Original + 8 copies |
| HECO | 2 copies |
| Consumer Advocate | 2 copies |

3. All pleadings, and other documents required to be filed with the Commission 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.

4. Copies of all filings, information requests and information request responses should be sent to the other parties by hand delivery or via facsimile. In addition, if available, all parties shall provide copies of their filings, information requests and information request responses to the other parties via diskette or e-mail in a standard electronic format that is readily available by the parties. The parties agree to use Word 97 or Word 2000 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 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party via diskette or e-mail, unless otherwise agreed to by such party, the same number of copies of such filing, information request or information request response must still be delivered to such party by hand

delivery or via facsimile as provided in Parts C.1 and C.2 above.

D. 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.

E. General

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

Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

DONE at Honolulu, Hawaii, this ____ day of _____, 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:

Kevin M. Katsura
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 and participant, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party or participant.

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

WILLIAM A. BONNET
VICE PRESIDENT, GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

PATSY H. NANBU
DIRECTOR, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

Karen Higashi

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21189 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
P. O. Box 541
Honolulu, HI 96809

WILLIAM A. BONNET
VICE PRESIDENT-GOVT. & COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

PATSY H. NANBU
DIRECTOR - REGULATORY AFFAIRS
P.O. Box 2750
Honolulu, HI 96840-0001



Karen Higashi

DATED: July 30, 2004