

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

HAWAIIAN ELECTRIC COMPANY, INC.)

For Approval of a Residential)
Customer Energy Awareness Pilot)
Program and Recovery of Program)
Costs.)
_____)

DOCKET NO. 03-0142

ORDER NO. 21563

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed Jan. 27, 2005

At 11 o'clock A.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.)
For Approval of a Residential)
Customer Energy Awareness Pilot)
Program and Recovery of Program)
Costs.)

Docket No. 03-0142

Order No. **21563**

ORDER

By this order, the commission: (1) approves HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") and the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS' ("Consumer Advocate") (HECO and the Consumer Advocate are collectively referred to as the "Parties") joint request to present oral arguments summarizing their respective positions to the commission on the morning of February 2, 2005; and (2) dismisses as moot, their joint request for an extension of time to file a joint filing due on January 7, 2005.

I.

Introduction

On May 15, 2003, HECO filed an Application requesting, among other things, that the commission approve its proposed Residential Customer Energy Awareness Pilot Program ("RCEA Program") and the recovery of its program costs for the first two years of the program, which are estimated to be approximately \$4,267,020 (and associated revenue taxes, if

applicable), using HECO's Integrated Resource Plan ("IRP") Cost Recovery Provision during the two years of the program.

HECO served copies of its Application on the Consumer Advocate and the United States Department of the Navy. By Preliminary Statement of Position filed on June 9, 2003, the Consumer Advocate informed the commission that it conducted a preliminary review of the application and has questions regarding the reasonableness of HECO's requests. On June 12, 2003, the Consumer Advocate issued information requests upon HECO, to which HECO responded on June 26, 2003.

By Order No. 20905, issued April 15, 2004, the commission ordered the Parties to meet informally to determine the procedures and schedule with respect to this docket, to be set forth in a stipulated prehearing order to be submitted for commission approval within thirty (30) days of the date of Order No. 20905. On May 17, 2004, HECO requested an extension of time, until June 17, 2004, to submit a stipulated prehearing order. The commission further extended the June 17, 2004 deadline to September 7, 2004.¹

On September 7, 2004, the Parties submitted a proposed stipulated procedural order for the commission's review and approval. By Stipulated Procedural Order No. 21339, issued

¹By Stipulated Procedural Order No. 21110, issued on July 12, 2004, the commission approved the requested extension of time until June 17, 2004 and an additional time until July 30, 2004 to submit a stipulated prehearing order. By Stipulated Procedural Order No. 21239, issued on August 11, 2004, the commission approved a further extension of time until August 24, 2004 to submit a stipulated prehearing order. By Stipulated Procedural Order No. 21338, issued on September 10, 2004, the commission approved an extension of time until September 7, 2004 to submit a stipulated prehearing order.

September 10, 2004, the commission approved the Parties' proposed stipulated prehearing order, which includes their proposed schedule of proceedings and procedures for this docket.

On October 7, 2004, HECO filed a revised RCEA Program Application. The Consumer Advocate issued supplemental information requests on October 29, 2004, and HECO responded to the Consumer Advocate's supplemental information requests on November 17, 2004. The Consumer Advocate filed its Statement of Position on December 1, 2004. HECO filed its Reply to the Consumer Advocate's Statement of Position on December 28, 2004.

Pursuant to Stipulated Procedural Order No. 21339, the Parties were scheduled to submit a joint filing on January 7, 2005. However, they were unable to finalize a joint filing for submission to the commission. Accordingly, on January 11, 2005, they filed a proposed Stipulated Procedural Order in which they (1) state that they will not be able to resolve their differences by stipulation; and (2) jointly request an extension of time until January 14, 2005 to submit their filing ("Request for Extension of Time").

On January 14, 2005, the Parties filed a joint statement proposing that each party present oral arguments summarizing their respective positions to the commission on the morning of

February 2, 2005,² in lieu of a formal contested case evidentiary hearing.³

II.

Discussion

As stated above, the Parties were scheduled to file a joint statement on January 7, 2004, pursuant to Stipulated Procedural Order No. 21339. The joint statement would state "whether (1) the [P]arties waive the right to a hearing, in which case the matter will be submitted to the [c]ommission for decision-making, or (2) the [P]arties request that the [c]ommission set the matter for [evidentiary] hearing,⁴ in which case the [P]arties will provide (a) the date each party will file its list of witnesses ... and (b) a proposed hearing schedule for [c]ommission approval."⁵

Instead of filing a joint statement either waiving the right to a hearing or requesting the matter be set for an evidentiary hearing, the Parties filed a joint statement indicating the Parties inability to resolve their differences and requesting

²The Parties state that Robbie Alm, HECO's Senior Vice President, Public Affairs, and Thomas Williams Jr., Esq. of Goodsill Anderson Quinn & Stifel will present oral arguments for HECO, and John S. Itomura, Esq. will present oral arguments for the Consumer Advocate. The Parties further propose that no briefs be filed in this docket.

³The commission will deem their request for oral arguments, submitted on January 14, 2005, to be a waiver of the fifteen (15)-day notification of hearing required under Hawaii Revised Statutes § 91-9.5.

⁴A hearing on HECO's Application is not required by law. Rather, a hearing, if any, is subject to the commission's discretion.

⁵Stipulated Procedural Order No. 21339 at 3-4.

oral arguments, only. Accordingly, the commission will dismiss the Parties' Request for Extension of Time, as moot, and will grant their request to present oral arguments on this matter.

III.

Orders

THE COMMISSION ORDERS:

1. The Parties' joint request for extension of time to file a joint filing is dismissed as moot.

2. The Parties' joint request to have oral arguments in lieu of an evidentiary hearing to summarize the respective positions of the Parties is granted. The commission shall hear the Parties' arguments relating to this docket at 465 South King Street, Room B3, Honolulu, Hawaii, on February 2, 2005 at 9:00 a.m. The Parties may be represented by counsel. If the Parties do not retain counsel, they may be represented at the hearing as follows:

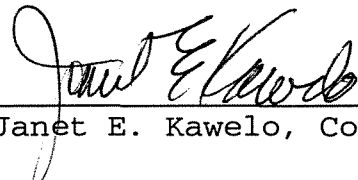
- (a) an individual may appear on his or her own behalf;
- (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

DONE at Honolulu, Hawaii JAN 27 2005.


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

03-0142.eh

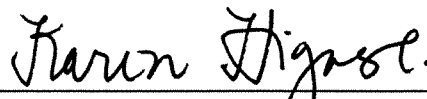
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21563 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, GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

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PETER Y. KIKUTA, ESQ.
GOODSILL ANDERSON QUINN & STIFEL
1099 Alakea Street, Suite 1800
Honolulu, HI 96813



Karen Higashi

DATED: JAN 27 2005