

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 Section 269-17, for a)
Capital Lease Arrangement.)

DOCKET NO. 05-0084

ORDER NO. 21754

Filed April 15, 2005
At 2:30 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

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

2005 APR 18 P 2:34

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

K. Higashi.

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_____)

Docket No. 05-0084
Order No. 21754

ORDER

The commission instructs the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), to complete its investigation and file by May 11, 2005, its position statement on HAWAIIAN ELECTRIC COMPANY, INC.'s ("HECO") Petition for a Declaratory Ruling, filed on April 6, 2005, if the Consumer Advocate wishes to have its position statement concerning the request for declaratory ruling considered by the commission.

HECO requests a declaratory order by May 23, 2005, ruling that: (1) Hawaii Revised Statutes ("HRS") § 269-17 does not apply to its capital lease arrangement with the Trustees of the Estate of Bernice Pauahi Bishop, for the leasing of HECO's office building located at 900 Richards Street, Honolulu, Hawaii; hence (2) the commission's approval of HECO's capital lease arrangement is not required under HRS § 269-17.¹ In the

¹HECO's Petition for a Declaratory Ruling, Verification, Attachments A and B, and Certificate of Service (collectively,

alternative, if the commission finds that its approval of HECO's capital lease arrangement is required pursuant to HRS § 269-17, HECO requests that the commission approve the capital lease arrangement.²

HECO makes its underlying request pursuant to Hawaii Administrative Rules ("HAR") chapter 61, subchapter 16, relating to declaratory orders. It served copies of its Petition upon the Consumer Advocate.

Two (2) deadlines currently apply to HECO's Petition for declaratory action: (1) April 26, 2005, the deadline for interested persons to file motions to intervene or participate; and (2) May 23, 2005, the forty-five (45)-day deadline governing commission action on HECO's Petition for declaratory ruling.³ Given the May 23, 2005 deadline, the commission directs the Consumer Advocate to complete its investigation and file its position statement on HECO's Petition by May 11, 2005.

THE COMMISSION ORDERS that the Consumer Advocate shall complete its investigation and file its position statement on HECO's Petition by May 11, 2005, if the Consumer Advocate wishes to have its position statement concerning the request for declaratory ruling considered by the commission. In the event

"Petition"), filed on April 6, 2005. A copy of HECO's lease is attached as Attachment A to its Petition.

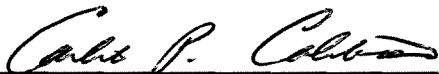
²Id.


³HAR §§ 6-61-57(3)(A), 6-61-162(a), and 6-61-22. 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 request.

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 submit its follow-up position statement that addresses HECO's alternative request.

DONE at Honolulu, Hawaii APR 15 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:


Michael Azama
Commission Counsel

05-0084.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21754 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: APR 15 2005