

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate Distributed Generation)
in Hawaii.)
_____)

DOCKET NO. 03-0371

ORDER NO. 22283

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

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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

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PUBLIC UTILITIES COMMISSION) Docket No. 03-0371
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Instituting a Proceeding to) Order No. 22283
Investigate Distributed Generation))
In Hawaii.)
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ORDER

By this Order, the commission grants the HECO Utilities' request for an enlargement of time until March 1, 2006 to file a motion for clarification and/or reconsideration of Decision and Order No. 22248, filed on January 27, 2006.¹

I.

Background

On January 27, 2006, the commission issued Decision and Order No. 22248, "set[ting] forth certain policies and principles for the deployment of distributed generation in Hawaii and certain guidelines and requirements for distributed generation, some of which will be further defined by tariff as approved by

¹The Parties of record in this investigative proceeding are: HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED (collectively, the "HECO Utilities" or "Companies"), KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"), the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, LIFE OF THE LAND, HAWAII RENEWABLE ENERGY ALLIANCE, the COUNTY OF MAUI, and HESS MICROGEN, LLC. The COUNTY OF KAUAI is the sole Participant.

the commission."² The deadline to timely file any motions for clarification or reconsideration of Decision and Order No. 22248 was February 8, 2006, in accordance with Hawaii Administrative Rules ("HAR") §§ 6-61-21(e), 6-61-22, and 6-61-137.³

On February 8, 2006, the HECO Utilities filed a Motion for Enlargement of Time to File [a] Motion for Clarification and/or Motion for Reconsideration of Decision and Order No. 22248.⁴ The HECO Utilities request an enlargement of time until March 1, 2006 to file a motion for clarification and/or reconsideration, if any.

II.

Discussion

HAR § 6-61-23(a)(1) provides the commission with the discretion, for good cause shown, to enlarge a period by which a required act must be completed, if a written request is made before the expiration of the period originally prescribed.

In support of their timely extension request, the HECO Utilities, through the affidavit of their Vice President, aver in respective part:

²Decision and Order No. 22248, filed on January 27, 2006, at 1.

³See HAR §§ 6-61-21(e) (two (2) days added to the prescribed period for service by mail), 6-61-22 (computation of time), and 6-61-137 (ten (10)-day deadline for a motion seeking any change in a commission decision, including a motion for reconsideration).

⁴HECO Utilities' Motion for Enlargement of Time to File [a] Motion for Clarification and/or Motion for Reconsideration of Decision and Order No. 22248, Affidavit, and Certificate of Service, filed on February 8, 2006 (collectively, "Motion for Enlargement of Time").

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3. The Companies are reviewing the impact of Decision and Order No. 22248 ("D&O 22248") on the Companies, and need additional time to determine whether to file a motion for clarification and/or a motion seeking partial reconsideration or modification of D&O 22248 and in which to prepare such a motion if the Companies decide to file it.

4. D&O 22248 allows the utilities to participate in the market for customer-sited distributed generation ("DG"), but only if certain conditions are met, and the Companies are reviewing the steps that would be required to implement those requirements.

5. Each company (i.e., HECO, HELCO and MECO) must review D&O 22248 to evaluate the impact of the decision and order, as the impact of the decision and order could vary by island (e.g., due to differences in the systems, rates and customer composition, the impact of D&O 22248 could be different for the Big Island in comparison to Oahu).

6. The [Companies'] attorneys and many of the staff who would be involved in determining the need for, drafting and reviewing such a motion also are concurrently involved in the follow-up discussions with the other parties in the Competitive Bidding proceeding, Docket No. 03-0372, which are to be concluded and documented by March 31, 2006 in accordance with [Decision and] Order No. 22249 (January 27, 2006), as well as in other on-going proceedings before the Commission.

7. Allowing the Companies additional time in which to file a motion for clarification and/or reconsideration should not affect the time requirement to make the tariff filings required by D&O 22248, but it could improve the Companies' ability to implement the D&O in the manner contemplated by the Commission. If a motion is filed, the Companies anticipate that they will not seek clarification or reconsideration with respect to the period of time in which to submit their DG tariffs. In other words, if a motion for clarification and/or motion for reconsideration is filed, the Companies would still expect (barring unforeseen circumstances) to file the required tariff provisions within six months from the date of D&O 22248.

8. The Consumer Advocate, and the other parties (with the exception of Life of the Land) and participant to this docket do not object to this request. Life of the Land's position is that Life of the Land 'takes no position on the proposed extension, we rely on the Commission's judgment.'

Affidavit of William A. Bonnet, at 1 - 3, ¶¶ 3 - 8. See also HECO Utilities' Motion for Enlargement of Time, at 2 - 3.

Having reviewed the HECO Utilities' above-noted representations, including their stated intent to timely meet the commission-imposed six (6)-month deadline to file the required tariffs in compliance with Decision and Order No. 22248, irrespective of whether they file a motion for clarification and/or reconsideration (and "barring unforeseen circumstances"), the commission finds good cause to enlarge the deadline for the HECO Utilities to file a motion for clarification and/or reconsideration. Accordingly, the commission grants the HECO Utilities' Motion for Enlargement of Time to file, by March 1, 2006, a motion for clarification and/or reconsideration.

III.

Order

THE COMMISSION ORDERS:

1. The HECO Utilities' Motion for Enlargement of Time to file, by March 1, 2006, a motion for clarification and/or reconsideration, is granted.

DONE at Honolulu, Hawaii FEB 13 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

03-0371.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22283 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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DATED: FEB 13 2006