

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----In the Matter of----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate Competitive Bidding)
for New Generating Capacity in)
Hawaii.)
_____)

DOCKET NO. 03-0372

ORDER NO. 22452

Filed May 3, 2006
At 3:30 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

THE OFFICE OF THE ATTORNEY GENERAL
STATE OF HAWAII
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2006 MAY -4 A 8:44

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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. 03-0372
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Instituting a Proceeding to) Order No. 22452
Investigate Competitive Bidding)
for New Generating Capacity in)
Hawaii.)
_____)

ORDER

By this Order, the commission grants in part and denies in part the Parties' request, dated May 1, 2006, to modify the Regulatory Schedule.¹ Specifically, the commission sets the new deadline dates, as follows: (1) May 17, 2006, Parties' Proposed Competitive Bidding Framework; (2) June 2, 2006, Parties' Opening Briefs; and (3) June 9, 2006, Parties' Reply Briefs. In addition, Oral Argument is re-scheduled to June 16, 2006, 9:00 a.m., at the commission's hearing room (465 S. King Street, Room B-3).

I.

Background

The Regulatory Schedule governing this proceeding currently sets forth the following deadlines and date and time

¹The Parties are HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, KAUAI ISLAND UTILITY COOPERATIVE, HAWAII RENEWABLE ENERGY ALLIANCE, and the Department of Commerce, Division of Consumer Advocacy.

for oral argument: (1) May 1, 2006, Parties' Proposed Competitive Bidding Framework; (2) May 8, 2006, Parties' Opening Briefs; (3) May 22, 2006, Parties' Reply Briefs; and (4) Oral Argument, May 31, 2006, 9:00 a.m.²

The Parties, by joint letter dated May 1, 2006 ("Parties' Joint Letter"), the date the previously extended deadline for the framework was due,³ seek to modify the Regulatory Schedule as follows:

<u>Procedural Step</u>	<u>Present Date</u>	<u>Proposed New Date</u>
Parties' Proposed Competitive Bidding Framework	May 1, 2006	June 5, 2006
Opening Briefs	May 8, 2006	June 26, 2006
Reply Briefs	May 22, 2006	July 17, 2006
Oral Argument	May 31, 2006	July 31, 2006

II.

Discussion

Hawaii Administrative Rules ("HAR") § 6-61-23(a)(1) provides the commission with the discretion, for good cause shown, to enlarge the 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 extension request, the Parties explain:

²Order No. 22366, filed on March 31, 2006.

³See Order No. 22249, filed on January 27, 2006, and Order No. 22366.

Pursuant to Order No. 22366, filed March 31, 2006, in the subject proceeding, the Parties' proposed competitive bidding framework is due to be filed on May 1, 2006. Significant headway has been made in formulating a competitive bidding framework. The Parties have invested a great number of hours drafting and reviewing provisions for the framework. However, due to a heavy regulatory workload⁴ and the need to respond to legislative matters, the parties need additional time to continue work on the framework. The Parties recognize the Commission's desire to render a decision in this proceeding no later than June 30, 2006, as specified in Order No. 22366. However, due to the importance and far reaching impacts of the outcome of this proceeding, it would be beneficial for the Parties to continue to work together to reach agreement and minimize issues to the extent possible and to embody the results of this effort in the framework. As a result, the Parties to the subject proceeding respectfully request additional time to discuss a proposed framework for a competitive bidding process.

Parties' Joint Letter, dated May 1, 2006, at 1 (footnote and text therein retained).

The Parties appear to recognize the commission's intent to issue a written decision in this proceeding no later than June 30, 2006.⁵ The commission, by this Order, reiterates its intention to meet this June 30, 2006 date. Accordingly, the commission, under the circumstances, grants in part and denies in part the Parties' request to modify the Regulatory Schedule. Specifically, in order to meet the June 30, 2006 date, the

⁴For example, Docket No. 05-0315 (HELCO 2006 Test Year Rate Case), 05-0069 (Energy Efficiency proceeding), 05-0145 (HECO CIP Generating Station), 05-0146 (Community Benefits Package), 05-0103 (HAWC 2006 Test Year Rate Case), 05-0239 (WHSC 2006 Test Year Rate Case), 05-0330 (HECO request for financing), 05-0333 (SKWC 2006 Test Year Rate Case), 05-0334 (KRWC 2006 Test Year Rate Case), 05-0288 (WHWC and WHUC consolidated request to revise the CIAC fee), 06-00[90] (WHSC request to revise the CIAC fee).

⁵See Order No. 22366, at 4 n.7.

commission denies the Parties' proposed new dates, and instead, sets new deadline dates, as follows: (1) May 17, 2006, Parties' Proposed Competitive Bidding Framework; (2) June 2, 2006, Parties' Opening Briefs; and (3) June 9, 2006, Parties' Reply Briefs. In addition, Oral Argument is re-scheduled to June 16, 2006, 9:00 a.m., at the commission's hearing room (465 S. King Street, Room B-3). The required-by filings should comply with the requirements specified in Order No. 22249, at pages 4 - 6.

III.

Orders

THE COMMISSION ORDERS that the Parties' request, dated May 1, 2006, to modify the Regulatory Schedule is granted in part and denied in part, consistent with the terms of this Order. Accordingly, the new deadline dates are as follows: (A) May 17, 2006, Parties' Proposed Competitive Bidding Framework; (B) June 2, 2006, Parties' Opening Briefs; and (C) Parties' Reply Briefs, June 9, 2006. In addition, Oral Argument is re-scheduled to June 16, 2006, 9:00 a.m., at the commission's hearing room (465 S. King Street, Room B-3).

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22452 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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Certificate of Service
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Karen Higashi

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DATED: MAY - 3 2006