

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. 22459

Filed May 10, 2006
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED
2006 MAY 11 A 8:54
Public Utilities Commission
State of Hawaii

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-----)
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PUBLIC UTILITIES COMMISSION) Docket No. 03-0372
)
Instituting a Proceeding to) Order No. 22459
Investigate Competitive Bidding)
for New Generating Capacity in)
Hawaii.)
_____)

ORDER

By this Order, the commission grants the Parties' request, dated May 5, 2006, to modify the Regulatory Schedule, subject to the comments noted in Section II, below.¹ Accordingly, the new deadline dates are as follows: (A) May 22, 2006, Parties' Proposed Competitive Bidding Framework; (B) June 6, 2006, Parties' Opening Briefs; and (C) June 13, 2006, Parties' Reply Briefs. In addition, Oral Argument is re-scheduled to June 19, 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 ("Consumer Advocate").

for oral argument: (1) May 17, 2006, Parties' Proposed Competitive Bidding Framework; (2) June 2, 2006, Parties' Opening Briefs; (3) June 9, 2006, Parties' Reply Briefs; and (4) Oral Argument, June 16, 2006, 9:00 a.m.²

The Parties, through the Consumer Advocate, by letter dated May 5, 2006 ("Parties' Letter"), 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 17, 2006	May 22, 2006
Opening Briefs	June 2, 2006	June 6, 2006
Reply Briefs	June 9, 2006	June 13, 2006
Oral Argument	June 16, 2006	June 19, 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:

The Parties respectfully request a modification to the dates established by the Commission in Order No. 22452 because of conflicts with the procedural schedules in other docketed

²Order No. 22452, filed on May 3, 2006 (granting in part and denying in part the Parties' previous request to modify the Regulatory Schedule).

matters. For example, the Commission requires the Parties to submit the Proposed Competitive Bidding Framework on May 17, 2006. The Consumer Advocate has Written Direct Testimony due in Docket Nos. 05-0329 and 05-0333 on May 12 and May 16, 2006, respectively. In addition, the Final Position Statements in Docket No. 05-0069 are due on June 1, 2006, one day before the Opening Briefs are due in the instant proceeding. By letter dated December 30, 2005, the Commission required the Parties in the instant proceeding to provide responses to the Post Hearing Questions even if the issues are ultimately settled by the Parties, in their respective Post Hearing Briefs. Since all of the Parties to the instant docket are also Parties in Docket No. 05-0069, there may not be sufficient time to prepare the Final Position Statement and the Opening Briefs under the procedural schedules established by the Commission. Furthermore, some of the Parties have conflicts due to travel plans that were arranged well in advance of the procedural schedule established in Order No. 22452.

Parties' Letter, dated May 5, 2006, at 1.

The conflicts with the various deadline dates in other dockets (Dockets Nos. 05-0329, 05-0333, and 05-0069) referenced by the Parties in their Letter, in effect, is a result of their inability to abide by the post-hearing dates set by the commission in Order No. 22249, filed on January 27, 2006,³ as extended by the commission in response to the Parties' requests.⁴ That said, the commission, under the circumstances and with

³See Order No. 22249, filed on January 27, 2006 (March 31, 2006, Parties' Joint Submission due; April 17, 2006, Parties' Opening Briefs due; May 1, 2006, Parties' Reply Briefs due; and May 2, 2006, Oral Argument).

⁴See Order No. 22366, filed on March 31, 2006 (May 1, 2006, Parties' Proposed Competitive Bidding Framework due; May 8, 2006, Parties' Opening Briefs due; May 22, 2006, Parties' Reply Briefs due; and May 31, 2006, Oral Argument). See also Order No. 22452, filed on May 3, 2006 (May 17, 2006, Parties' Proposed Competitive Bidding Framework due; June 2, 2006, Parties' Opening Briefs due; June 9, 2006, Parties' Reply Briefs due; and June 16, 2006, Oral Argument).

reluctance, grants the Parties' request to modify the Regulatory Schedule.⁵ No further extensions will be granted in this docket.

III.

Orders

THE COMMISSION ORDERS:

1. The Parties' request, dated May 5, 2006, to modify the Regulatory Schedule is granted.

2. The new deadline dates are as follows: (A) May 22, 2006, Parties' Proposed Competitive Bidding Framework; (B) June 6, 2006, Parties' Opening Briefs; and (C) June 13, 2006, Parties' Reply Briefs. In addition, Oral Argument is re-scheduled to June 19, 2006, 9:00 a.m., at the commission's hearing room (465 S. King Street, Room B-3). No further extensions will be granted in this docket.

⁵The Parties, in effect, seek additional weekend days to: (1) prepare their Proposed Competitive Bidding Framework, Opening and Reply Briefs; and (2) prepare for Oral Argument.

DONE at Honolulu, Hawaii MAY 10 2006.

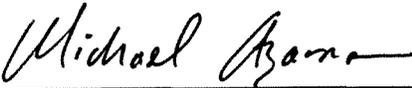
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

03-0372.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22459 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
Page 2

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Karen Higashi

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DATED: MAY 10 2006