

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN ELECTRIC COMPANY, INC.)
Regarding Integrated Resource)
Planning.)
_____)

DOCKET NO. 03-0253

ORDER NO. 22533

Filed June 15, 2006
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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STATE OF HAWAII

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

K. Higashi

Decision and Order No. 11630, issued on May 22, 1992, in Docket No. 6617.

By Order No. 22374, filed on April 6, 2006, the commission provided LOL an opportunity to supplement its Motion to Intervene to address HECO's third IRP report, and HECO with an opportunity to respond to LOL's supplement to its Motion to Intervene. On April 26, 2006, LOL wrote to provide its general position on HECO's third IRP report ("Supplement to Motion"). HECO filed a response to LOL's supplement on May 3, 2006, indicating that it does not object to the commission granting LOL intervention in this proceeding, provided that LOL is not permitted to expand the scope of the proceeding or delay the proceeding, and is required to comply with the commission's rules of practice and procedure.

II.

Discussion

A.

LOL's Motion to Intervene

The commission's IRP Framework, Section III.E.3.c. provides:

Applications to intervene or participate without intervention in any proceeding in which a utility seeks commission approval of its integrated resource plan are subject to the rules prescribed in part IV of the commission's General Order No. 1 (Practice and Procedure before the Public Utilities Commission); except that such applications may be filed with the commission not later than 20 days after the publication by the utility of a notice informing the general public of the filing of the utility's application for commission approval of its integrated resource

plan, notwithstanding the opening of the docket before such publication.

It is well established that intervention as a party in a commission proceeding "is not a matter of right but is a matter resting within the sound discretion of the commission." See In re Application of Hawaiian Elec. Co., 56 Haw. 260, 262, 535 P.2d 1102, 1104 (1975). HAR § 6-61-55, which governs intervention in our proceedings, among other things, requires the movant to state the facts and reasons for the proposed intervention, and its position and interest thereto. Furthermore, HAR § 6-61-55(d) states that "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented."

LOL is a non-profit, Hawaii-based organization whose mission is to "preserve and protect the life of the land through sustainable land use and energy policies and to promote open government through research, education, advocacy, and when necessary, litigation."³ LOL states that it is an "environmental and community action group," formed in 1970, that has approximately 1,000 members who pay annual dues.⁴

³[LOL's] Motion to Intervene and Certificate of Service, filed on October 1, 2004 ("LOL's Motion to Intervene"), at 3rd page.

⁴LOL's Motion to Intervene, filed on January 6, 2004, in Docket No. 03-0417, at 34th page. LOL incorporated by reference the information provided in its motions to intervene filed in Docket Nos. 99-0004, 00-0209, 03-0371, and 03-0417. LOL's Motion to Intervene, at 2nd page.

In its Motion to Intervene, LOL states that it "raise[s] issues about self-reliance, sustainability and economic security as a member of the HECO IRP-3 Community Advisory Committee."⁵ LOL asserts that since it is a party to two important dockets, Docket Nos. 05-0069 and 05-0145, and since "[t]his IRP docket will provide a framework for those dockets," that it must be a party to this proceeding.⁶ LOL contends that since it represents environmental interests, its interests are distinct from those assigned to the Consumer Advocate. LOL assures the commission that it will assist with the development of a sound record without unduly broadening the issues or delaying this proceeding.

On April 26, 2006, HECO filed a supplemental response to LOL's Motion to Intervene, stating that it does not oppose LOL's intervention in this docket, provided that LOL's participation is limited to the issues raised by the Application, LOL is not permitted to expand the scope of the proceeding or delay the proceeding, and LOL is required to comply with the commission's rules.⁷

An IRP, which includes choices of resources for the near and long term, likely will raise numerous environmental concerns. The inclusion in the record of information relating to environmental matters will serve to provide a balanced review of

⁵Supplement to Motion.

⁶Id.

⁷Letter from William A. Bonnet, Vice President Government and Community Affairs, HECO (May 3, 2006).

the plan filed by HECO. Upon consideration of LOL's interest in the environmental impact of the IRP report, the commission finds that the allegations raised by LOL in its Motion to Intervene, as supplemented by its Supplement to Motion are reasonably pertinent to the matters raised in this docket. Thus, the commission concludes that LOL's Motion to Intervene should be granted, provided that its participation will not broaden the issues or unduly delay the proceedings, and it follows the commission's rules.

B.

Procedural Order

To assist in the efficient disposition of the instant proceeding, we find it necessary to establish the issues, procedures, and a schedule. Thus, the commission concludes that HECO, the Consumer Advocate, and LOL should meet informally to determine the issues, procedures, and schedule with respect to this proceeding, to be set forth in a stipulated procedural order that shall be submitted for commission approval within thirty days from the date of this Order. Such schedule should include at least one public meeting for the commission to gather public comment on the IRP report. In the alternative, if the parties are unable to stipulate to such an order, each party shall submit a proposed procedural order for the commission's consideration within thirty days from the date of this Order.

III.

Orders

THE COMMISSION ORDERS:

1. LOL's Motion to Intervene, filed on October 1, 2004, as supplemented by its Supplement to Motion, filed on April 26, 2006, is granted, subject to the conditions stated in Section II.A., above.

2. HECO, the Consumer Advocate, and LOL shall meet informally to determine the issues, procedures, and schedule with respect to the instant docket, to be set forth in a stipulated procedural order. Such schedule should include at least one public meeting for the commission to gather public comment on the IRP-3 plan. The stipulated procedural order shall be submitted for commission approval within thirty days from the date of this Order. If the parties are unable to stipulate to such an order, each party shall submit its own proposed procedural order for the commission's consideration within thirty days from the date of this Order.

DONE at Honolulu, Hawaii JUN 15 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:


Catherine P. Awakuni
Commission Counsel

03-0253.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22533 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

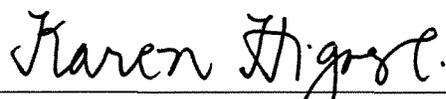
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Karen Higashi

DATED: JUN 15 2006