

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
Kealakaha Bridge 69kV Line)
Relocation Emergency Request.)
_____)

DOCKET NO. 2006-0181

INTERIM ORDER NO. 22597

Filed July 12, 2006
At 11 o'clock A. M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED

2006 JUL 13 A 8:33

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
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 the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.) Docket No. 2006-0181
Kealakaha Bridge 69kV Line) Interim Order No. 22597
Relocation Emergency Request.)
_____)

INTERIM ORDER

By this Interim Order, the commission approves HAWAII ELECTRIC LIGHT COMPANY, INC.'s ("HELCO") request for commission approval to permit HELCO on an interim basis to immediately remove two (2) existing poles and sections of the existing 7600 69 kilovolt ("kV"), 3100 34kV, and 4.2kV lines and install, in their proposed permanent locations, three (3) 90-foot wooden poles and 69kV, 34kV, and 4.2kV lines along the Hawaii Belt Highway in the Kealakaha, Hamakua area on the island of Hawaii, subject to certain conditions.

I.

Expedited Request for Interim Approval

On July 5, 2006, HELCO filed a letter requesting expedited interim commission approval, by July 12, 2006, for HELCO to immediately: (1) remove two (2) existing poles and sections of the existing 7600 69kV, 3100 34kV, and 4.2kV lines; and (2) install, in their proposed permanent locations, three (3) 90-foot wooden poles and 69kV, 34kV, and 4.2kV lines along the Hawaii Belt Highway in the Kealakaha, Hamakua area on the

island of Hawaii prior to receiving commission approval of the proposed project under Hawaii Revised Statutes ("HRS") § 269-27.6(a) ("Interim Approval Request").¹ In support of its request, HELCO represents:

1. The proposed line relocation, set forth in HELCO's Interim Approval Request, is part of a larger line relocation project in the area for which HELCO will be requesting commission approval to relocate its 69kV, 34kV, 4.2kV poleline in the area adjacent to the Kealakaha Bridge above the surface of the ground pursuant to HRS § 269-27.6(a) ("Overall Project")² to accommodate the State Department of Transportation's ("DOT") replacement of the existing Kealakaha Bridge with a new bridge located adjacent to the existing bridge.

2. An application for commission approval of the Overall Project will be filed with the commission by July 14, 2006.

3. The DOT, during a June 16, 2006 meeting with HELCO, inquired "what could be done" to expedite the pole

¹HELCO served a copy of its July 5, 2006 Interim Approval Request letter on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), an *ex officio* party to all matters before the commission pursuant to HRS § 269-51 and Hawaii Administrative Rules § 6-61-62.

²HELCO states that the Overall Project will require: (1) the installation of: (a) seven new 90-foot wooden poles; (b) one new 35-foot wooden pole; and (c) approximately 1,800 circuit feet each of 69kV, 34kV, and 4.2kV conductors; and (2) the removal of: (a) five existing 75-80 foot wooden poles; and (b) approximately 1,600 circuit feet each of 69kV, 34kV, and 4.2kV conductors. Also, while the project area is zoned Agriculture, HELCO has determined that HRS § 269-27.5 likely requires a public hearing for the Overall Project since there are four (4) homes within the vicinity of the project area.

removals to allow its contractor, Hawaiian Dredging Construction Company ("Hawaiian Dredging"), to begin work on the Kealakaha Bridge.

4. During conversations with the DOT, it was determined that immediate removal of the two (2) poles, as set forth in HELCO's Interim Approval Request, will allow Hawaiian Dredging to begin and continue work on the construction of the new bridge until the end of the year, at which time the remaining poles in the area will need to be relocated for Hawaiian Dredging to continue its work.

5. The DOT: (a) informed HELCO that the DOT will be subject to penalties from Hawaiian Dredging if there are delays in relocating the poles, and (b) "suggested" that the DOT may seek reimbursement from HELCO of 50% of the assessed penalties since the delay in the work was caused by HELCO's poles.

6. HELCO and the DOT will share in the cost of the immediate relocations in accordance with HRS § 264-33.

7. HELCO understands that it is incurring the cost of installing the three (3) new poles and lines at its own risk because the commission is not approving HELCO's proposed Overall Project in this Interim Order (i.e., HELCO may have to move the poles or install the lines underground, depending on the commission's final decision).

8. HELCO makes its Interim Approval Request with the understanding that the interim placement of the poles will not affect the commission's final decision regarding the Overall Project.

9. HELCO will relocate all of its facilities in accordance with the commission's order, if the commission determines that HELCO's relocation plans for the Overall Project needs revision.

Additionally, in a June 27, 2006 letter to HELCO, the DOT states that aside from incurring unanticipated additional costs, the delay in the work on the Kealakaha Bridge will further "expose the traveling public to the substandard conditions of the existing bridge."³

On July 6, 2006, the Consumer Advocate verbally stated to commission staff that it does not object to HELCO's Interim Approval Request, but wishes to reserve the right to state its position on HELCO's proposed Overall Project after completion of its investigation.⁴

II.

Discussion

HRS § 269-27.6(a) titled "Construction of high-voltage electric transmission lines; overhead or underground construction" states:

Notwithstanding any law to the contrary, whenever a public utility applies to the public utilities commission for approval to place, construct, erect, or otherwise build a new forty-six kilovolt or greater high voltage electric transmission system, either above or below the surface of the ground, the public

³See HELCO's July 5, 2006 Interim Approval Request letter, Exhibit 2.

⁴In a July 6, 2006 telephone conversation, Cheryl Kikuta, Utilities Administrator for the Consumer Advocate, conveyed to commission staff her division's position regarding HELCO's Interim Approval Request.

utilities commission shall determine whether the electric transmission system shall be placed, constructed, erected, or built above or below the surface of the ground; provided that in its determination, the public utilities commission shall consider:

- (1) Whether a benefit exists that outweighs the costs of placing the electric transmission system underground;
- (2) Whether there is a governmental public policy requiring the electric transmission system to be placed, constructed, erected, or built underground, and the governmental agency establishing the policy commits funds for the additional costs of undergrounding;
- (3) Whether any governmental agency or other parties are willing to pay for the additional costs of undergrounding;
- (4) The recommendation of the division of consumer advocacy of the department of commerce and consumer affairs, which shall be based on an evaluation of the factors set forth under this subsection; and
- (5) Any other relevant factors.

HRS § 269-27.6(a).

In light of HELCO's representations and the circumstances described above, the commission finds HELCO's Interim Approval Request to be reasonable and in the public interest. Thus, the commission concludes that HELCO's Interim Approval Request should be approved. Such approval, however, is conditioned on: (1) HELCO filing its application for the proposed Overall Project ("Application"), in accordance with all applicable laws, rules, and procedures by July 14, 2006, as represented; and (2) HELCO's compliance with all applicable laws, rules, and regulations relating to the Overall Project and any other terms, conditions, and

requirements imposed subsequent to the commission's and the Consumer Advocate's respective reviews of the merits of HELCO's Application.

III.

Orders

THE COMMISSION ORDERS:

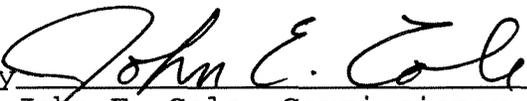
1. HELCO's Interim Approval Request is approved.
2. The commission's interim approval herein, is conditioned on: (1) HELCO filing its Application regarding the proposed Overall Project in accordance with all applicable laws, rules, and procedures by July 14, 2006, as represented; and (2) HELCO's compliance with all applicable laws, rules, and regulations relating to the Overall Project and any other terms, conditions, and requirements imposed subsequent to the commission's and the Consumer Advocate's respective reviews of the merits of HELCO's Application.
3. In the event the commission ultimately does not approve HELCO's Application on the merits, HELCO shall not seek to recover its share of the costs for the Overall Project from its ratepayers.

DONE at Honolulu, Hawaii JUL 12 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Ji Sook Kim
Commission Counsel

2006-0181.eh

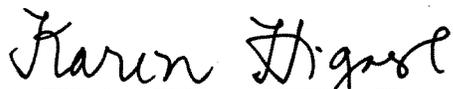
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Interim Order No. 22597 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, HI 96809

WARREN H.W. LEE, P.E.
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

DEAN K. MATSUURA
DIRECTOR, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001



Karen Higashi

DATED: JUL 12 2006