

The commission issues this prehearing order, in accordance with HAR § 6-61-37.

II.

Discussion

Consistent with the agreements reached and actions taken at the prehearing conference, and unless otherwise modified by the commission, the following terms shall control the evidentiary hearing:

1. The Parties agree to dispense with opening statements. HECO, the Consumer Advocate, and LOL may present closing arguments, at their option, after all of the Parties have presented their cases at the hearing.

2. HECO intends to call sixteen witnesses to present prepared direct written testimony already filed with the commission. HECO, however, may not call four of these witnesses (HECO RT-10A through HECO RT-10D), as unnecessary due to the withdrawal of SWSA as a participant in this docket, subject to HECO's request that the Consumer Advocate and LOL stipulate to waive cross-examination of these witnesses. If a stipulation as to these four witnesses is not reached, HECO will call these witnesses to testify, but requests that these four witnesses be scheduled to testify on Friday, December 15, 2006. Concomitantly, if it is anticipated that the hearing will otherwise conclude prior to December 15, 2006, HECO requests that the hearing be continued until December 15, 2006, so that these four witnesses may present testimony on that day.

The Consumer Advocate will call one witness to present prepared direct written testimony already filed with the commission.

LOL's twelve witnesses have prepared fourteen direct written testimonies already filed with the commission, and states that all of its witnesses are available, with the exception of: (1) LOL T-3 (Trisha Kehaulani Watson), who is not available on Thursday, December 14, 2006; and (2) LOL T-11 (Denise Antolini), who is not available at any time during the week of the hearing. With respect to LOL T-11 (Denise Antolini), HECO and the Consumer Advocate will inform the commission of their objections, if any, to the admission of LOL T-11 without making the witness available for cross-examination at the hearing.

3. If the Parties reach a settlement with respect to any of the issues in this docket, a joint settlement letter executed by all parties to the settlement must be filed with the commission by no later than Wednesday, December 6, 2006. The commission will not reschedule the hearing in order to accommodate a continuance of settlement discussions by the Parties. For any witnesses who are not scheduled to testify in-person based on any settlement agreement by the Parties or for any other reason, such witnesses will still be subject to the call of the commission, and should be made available, at a later date if necessary, for possible examination by the commission.

4. The order of witness presentation, unless directed otherwise by the commission, shall proceed as follows: (1) HECO; (2) the Consumer Advocate; and (3) LOL. The order of

cross-examination, unless directed otherwise by the commission, will be: (1) for HECO's witnesses, the Consumer Advocate will cross-examine first, followed by LOL; (2) for the Consumer Advocate's witness, HECO will cross-examine first, followed by LOL; and (3) for LOL's witnesses, HECO will cross-examine first, followed by the Consumer Advocate.

5. The Parties agree that witnesses will briefly orally summarize their written testimonies at the evidentiary hearing.

6. If the Parties introduce additional exhibits at the hearing, the Parties' exhibits shall be marked as HECO Hearing Exh. __, CA Hearing Exh. __, and LOL Hearing Exh. __, as applicable. The Parties are also directed, prior to the hearing, to identify and discuss any additional exhibits they intend to introduce at the hearing, and any objections thereto.

7. The evidentiary hearing is currently scheduled for the entire week of December 11, 2006 to December 15, 2006. The commission reserves ruling on HECO's request to present its four witnesses, HECO RT-10A through HECO RT-10D, on Friday, December 15, 2006, pending the Parties' possible stipulation to waive cross-examination as to these witnesses.

8. Post-hearing briefs are due no later than three (3) weeks following receipt of the hearing transcripts, and reply briefs are due no later than two (2) weeks after opening briefs are due.

9. To avoid having to close the evidentiary hearing, the Parties agree to present their cases (including

cross-examination), to the fullest extent possible, without disclosing specific confidential information covered under Protective Order No. 22391, filed on April 17, 2006. The Parties agree to provide advance notice to the commission if they intend to disclose any such confidential information during the evidentiary hearing.

10. The Parties acknowledge that the commission may ask each witness questions following completion of cross-examination by all of the Parties. If this occurs, counsel who sponsored the witness may ask re-direct questions of its witness.

III.

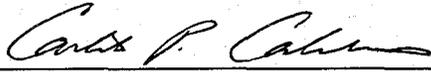
Order

THE COMMISSION ORDERS:

1. The terms set forth in this Order shall govern the remainder of this proceeding, unless modified or ordered otherwise by the commission.

DONE at Honolulu, Hawaii NOV 21 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Kaiulani Kidani Shinsato
Commission Counsel

05-0145.eh

CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the foregoing Order No. 23045 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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for Karen Higashi

DATED: NOV 21 2006