

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

---In the Matter of the----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting a Proceeding to )  
Investigate the Proxy Method )  
And the Proxy Method Formula )  
Used to Calculate Avoided )  
Energy Costs and Schedule Q )  
Rates of the Electric )  
Utilities in the State of )  
Hawaii. )  
\_\_\_\_\_ )

DOCKET NO. 7310

ORDER NO. 23106

Filed Dec. 5, 2006  
At 2 o'clock P.M.

Karen Higashi  
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2006 DEC -6 A 9:42

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KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

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Docket No. 7310  
Order No. 23106

ORDER

By this Order, the commission grants the Parties'<sup>1</sup> request for an extension of time until December 29, 2006, to file updates to their Stipulation to Resolve Proceeding, filed on March 4, 1994 ("Stipulation").<sup>2</sup>

I.

Background

The Parties' deadline to review and update, if necessary, the agreements, information, and data contained in \_\_\_\_\_

<sup>1</sup>The Parties of record in this investigative proceeding are: HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy, MAUNA KEA POWER COMPANY, INC. ("MKPC"), the HAWAII AGRICULTURE RESEARCH CENTER ("HARC"), fka HAWAII SUGAR PLANTERS' ASSOCIATION, and the DEPARTMENT OF THE NAVY, on behalf of the DEPARTMENT OF DEFENSE (collectively, the "Parties").

<sup>2</sup>The Parties' Stipulation reflects their: (1) general agreement on certain issues involving the calculation of avoided cost; and (2) agreement to file position statements on the remaining matters they are unable to agree on.

their Stipulation, is November 30, 2006.<sup>3</sup> By letter dated November 30, 2006, HECO, on behalf of the Parties, requests a one-month extension of time until December 29, 2006, to comply with Order No. 22510.<sup>4</sup> The commission will treat HECO's November 30, 2006 letter as a motion for extension of time under Hawaii Administrative Rules ("HAR") §§ 6-61-23(a)(1) and 6-61-41.

## II.

### Discussion

HAR § 6-61-23(a)(1) provides the commission with the discretion, for good cause shown, to enlarge a period by which a required act must be completed, if a written request is made before the expiration of the period originally prescribed. In addition, motions that do not involve the final determination of a proceeding may be determined by the chairperson or commissioner. HAR § 6-61-41(e).

In support of its timely extension request, HECO states:

In August 2006, HECO submitted for the other Parties['] review an updated Stipulation, and in the timeframe since then the Parties have been exchanging comments and updated information. On November 9, 2006 the Parties held a conference call to discuss the updated Stipulation, and subsequent to the conference call the Parties have had further exchanges of comments and updated information.

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<sup>3</sup>See Order No. 22510, filed on June 2, 2006.

<sup>4</sup>On November 30, 2006, MKPC and HARC jointly filed a "Statement of Position Concerning the Effective Date of Application of Transformer Loss Adjustment ICO HELCO-Wailuku River Hydroelectric Limited Partnership Power Purchase Agreement." This Order does not address or discuss the statement jointly filed by MKPC and HARC on November 30, 2006.

The Parties have made significant progress toward reaching agreement on an updated Stipulation. However, conclusion of the stipulation process has been hindered by the need by some of the Parties to file briefs in Docket No. 05-0069 (Energy Efficiency Docket), prepare for Docket No. 05-0146 (Community Benefits) and Docket No. 05-0145 (Campbell Industrial Park Generating Station) evidentiary hearings, and to address other regulatory matters (e.g., Docket No. 05-0315, HELCO Rate Case, Docket No. 05-0310, AOCI Proceeding, Docket No. 2006-0431, Outage Investigation). Thus, the Parties request a further one-month extension to review the latest round of comments and updated information and to provide additional time to continue to work toward reaching final agreement on an updated Stipulation.

As good cause has been demonstrated, HECO, on behalf of the Parties, requests that the Commission grant an extension to December 29, 2006 for the Parties to comply with Order No. [22510]. The Parties do not object to this request.

HECO's letter, dated November 30, 2006, at 1 - 2 (emphasis added).

The Parties represent that they have made significant progress in reaching an updated stipulation in this case, but need an additional month "to continue to work toward reaching final agreement on an updated Stipulation."<sup>5</sup> The commission, under the circumstances: (1) finds good cause to enlarge the deadline by which the Parties shall file their updates to the Stipulation; and (2) grants the Parties' motion for an extension of time. Nonetheless, in Order No. 22510, the commission stated that it was "cognizant of the length of time that this docket has been pending, and requests that the Parties strive to avoid any further delay in this proceeding."<sup>6</sup> Accordingly, the Parties

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<sup>5</sup>HECO's letter, dated November 30, 2006, at 2.

should be aware that the commission does not intend to consider any further extension requests absent extraordinary circumstances.

III.

Order

THE COMMISSION ORDERS:

The Parties' request for an extension of time until December 29, 2006, to file their updates to the Stipulation is approved.

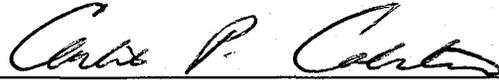
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<sup>6</sup>In granting the Parties' previous request for an extension of time until November 30, 2006, to file their updates to the Stipulation, the commission noted:

Accordingly, the commission: (1) finds good cause to enlarge the deadline by which the Parties shall review and update, if necessary, the agreements, information, and data contained in their Stipulation; and (2) grants the Parties' request for an extension of time. The commission, however, is cognizant of the length of time that this docket has been pending, and requests that the Parties strive to avoid any further delay in this proceeding.

DONE at Honolulu, Hawaii DEC - 5 2006.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
John E. Cole, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

7310.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23106 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

DATED: DEC - 5 2006