

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
HAWAII ELECTRIC LIGHT)
COMPANY, INC.)
)
Regarding Integrated Resource)
Planning.)
_____)

DOCKET NO. 04-0046

ORDER NO. 23834

Filed Nov. 15, 2007
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

2007 NOV 16 A 8:11

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

Karen Higashi.

----- In the Matter of -----)
)
 HAWAII ELECTRIC LIGHT)
 COMPANY, INC.)
)
 Regarding Integrated Resource)
 Planning.)
 _____)

Order No. 23834

By this Order,¹ the commission, among other things:

- (1) issues this prehearing order as a result of the prehearing conference held on November 6, 2007, in preparation for the evidentiary hearing scheduled to commence on November 26, 2007;
- (2) re-schedules the start date of the evidentiary hearing to Monday, November 26, 2007, 8:30 a.m. (instead of Tuesday, November 27, 2007, 8:30 a.m.); and
- (3) memorializes its approval of HREA's oral motion to withdraw as an intervenor in this proceeding.

On June 8, 2007, the commission issued Prehearing Order No. 23485, setting forth the issues, procedural schedule, and

¹The Parties in this proceeding are HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), HAWAII RENEWABLE ENERGY ALLIANCE ("HREA"), LIFE OF THE LAND ("LOL"), and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party pursuant to Hawaii Revised Statutes § 269-51, and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

procedures to govern this proceeding. At the time of the issuance of Prehearing Order No. 23485, the named parties were HELCO and the Consumer Advocate. The procedural schedule established the following deadlines for the filing of written testimonies: (1) August 6, 2007, deadline for HELCO to file its direct testimonies and exhibits; (2) September 28, 2007, deadline for the Consumer Advocate and any persons subsequently named as intervenors to file their direct testimonies and exhibits; and (3) October 29, 2007, deadline for HELCO to file its rebuttal testimonies and exhibits.

On July 12, 2007, the commission granted the motions to intervene of LOL and HREA.² With respect to HREA's intervention, the commission noted that "HREA's participation in this proceeding can assist the commission in developing a sound record, that the allegations raised by HREA appear reasonably pertinent to the issues identified by the commission in Prehearing Order No. 23485, and that HREA will not unduly broaden said issues."³

Timely written testimonies and exhibits were filed by HELCO, the Consumer Advocate, and LOL. In addition, information requests were issued by HELCO, the Consumer Advocate, and LOL.

²Order No. 23540, filed on July 12, 2007. In Ordering Paragraph No. 4 of Order No. 23540, the commission instructed:

LOL and HREA shall adhere to the applicable procedures and deadlines set forth in Prehearing Order No. 23485. As such, the deadline for HREA and LOL to file their testimonies, exhibits, and work papers is September 28, 2007.

Order No. 23540, Ordering ¶ No. 4, at 18.

³Order No. 23540, at 16.

HREA did not file any written testimonies or exhibits, or issue any information requests.

By letter dated October 19, 2007, the commission notified the Parties of the prehearing conference, scheduled for November 6, 2007, 9:30 a.m., in preparation for the evidentiary hearing, scheduled to commence during the week of November 26, 2007. On October 30, 2007, the commission issued its Notice of Evidentiary Hearing, informing the Parties that the evidentiary hearing was scheduled for three days, from November 27 to 29, 2007.⁴

The prehearing conference was held as scheduled on November 6, 2007, before the commission.⁵ Appearing on behalf of the Parties were Rod S. Aoki, Esq., counsel for HELCO, Lane H. Tsuchiyama, Esq., counsel for the Consumer Advocate, Warren S. Bollmeier II for HREA, and Henry Q Curtis for LOL.

II.

Discussion

A.

Preliminary Matters

During the prehearing conference, three preliminary matters were addressed:

1. HREA orally moved to withdraw as an intervenor. No party objected to HREA's motion to withdraw. The commission

⁴Notice of Evidentiary Hearing, dated October 30, 2007.

⁵Chairman Carlito P. Caliboso, Commissioner John E. Cole, and Commissioner Leslie H. Kondo, were present and participated in the prehearing conference.

orally granted HREA's motion. Thus, as of November 6, 2007: (A) HREA is no longer a party to this proceeding; and (B) the Remaining Parties are HELCO, the Consumer Advocate, and LOL.

2. Based on the commission's own motion and the non-objections from the Remaining Parties, the evidentiary hearing will commence on Monday, November 26, 2007, 8:30 a.m., at the commission's hearing room, instead of on Tuesday, November 27, 2007. The evidentiary hearing is scheduled for a maximum of three days, from November 26, 2007 to November 28, 2007.⁶ The Remaining Parties also voluntarily and intentionally waive the need for the commission to re-issue a new Notice of Evidentiary Hearing by registered or certified mail, and instead, agree that this Order shall serve as the notice of the new dates for the evidentiary hearing. The commission orally approved the Parties' waiver in this regard.⁷

3. The Remaining Parties will informally meet for the purpose of attempting to reach agreement on a partial or full stipulation that resolves the merits of this proceeding, or at a minimum, narrows the scope of the issues and reduces the number of witnesses that are scheduled to testify at the evidentiary hearing, and any other matters "which may aid in the efficient disposition of th[is] proceeding[,]" consistent with HAR § 6-61-36(7). The deadline for the Remaining Parties to file

⁶LOL indicated that it is unavailable to participate in any evidentiary hearing on November 29, 2007.

⁷Cf. In re Waikoloa Resort Util., Inc., Docket No. 2006-0409, Order No. 23675, filed on September 21, 2007 (commission's approval of the parties' voluntary and intentional written waiver of the commission's issuance of a new Notice of Evidentiary Hearing).

their stipulation, including their agreed-upon list of witnesses that are scheduled to testify at the evidentiary hearing, is November 16, 2007.

B.

Procedures

Consistent with the agreements reached and actions taken at the prehearing conference, and subject to any subsequent agreements reached by the Remaining Parties and approved by the commission, the following terms shall govern the evidentiary hearing and remaining course of this proceeding:⁸

1. The Remaining Parties waive opening statements.
2. HELCO submitted the written testimonies of eleven witnesses, the Consumer Advocate submitted written testimonies of two witnesses, and LOL submitted the written testimony of one witness. All of the Remaining Parties' witnesses shall appear at the evidentiary hearing and be available for cross-examination.
3. The order of witness presentation shall be: HELCO, the Consumer Advocate, and LOL. Any witnesses called to testify shall be limited to orally summarizing his or her written testimony.
4. Other than the exhibits already attached to their written testimonies, the Remaining Parties do not anticipate using or introducing any other exhibits at the evidentiary hearing. If new exhibits are used, the hearing exhibits shall be

⁸See also Prehearing Order No. 23485, filed on June 8, 2007.

pre-marked, as applicable. (For example, HELCO Hearing Exhibit ____.)

5. Paragraph 18 of Stipulated Protective Order No. 23686, filed on September 27, 2007, provides that at any commission hearing where information designated as confidential is discussed, such hearing "shall be held in camera, or under other conditions imposed by the Commission to prevent unnecessary public disclosure of such information."

Consistent with the commission's stated preference, the Remaining Parties will use their best efforts to present their cases without disclosing or referring to information designated as confidential, thereby avoiding the closing of any portion of the evidentiary hearing. The Remaining Parties shall inform the commission in advance of their intent to request that any portion of the evidentiary hearing be held in camera.

6. The Remaining Parties will have ten minutes each for closing argument.⁹

7. As set forth in Prehearing Order No. 23485, the deadline dates for the filing of post-hearing briefs are: (A) opening briefs, three weeks after the receipt of the transcripts by the commission; and (B) reply briefs, two weeks after the due date of the opening briefs.

⁹LOL requested three minutes for oral argument.

III.

Orders

THE COMMISSION ORDERS:

1. The commission's actions at the prehearing conference of granting HREA's oral motion to withdraw as an intervenor in this proceeding, and approving the Remaining Parties' voluntary and intentional waiver of the need to issue a new Notice of Evidentiary Hearing by registered or certified mail, are hereby memorialized by this Order.

2. As of November 6, 2007, HREA is no longer a party to this proceeding.

3. This Order shall serve as the notice of the new dates for the evidentiary hearing, which is scheduled to commence on November 26, 2007, 8:30 a.m., for a maximum of three days, until November 28, 2007, at the commission's hearing room (465 South King Street, B-3, Honolulu).

4. The deadline for the Remaining Parties to file their stipulation, including their agreed-upon list of witnesses that are scheduled to testify at the evidentiary hearing, is November 16, 2007.

5. The terms set forth in Section II.B, Procedures, of this Order, shall govern the evidentiary hearing and the remainder of this proceeding, subject to any subsequent agreements reached by the Remaining Parties and approved by the commission.

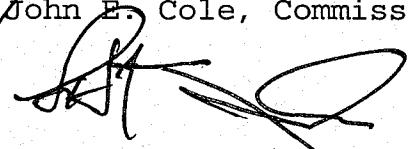
DONE at Honolulu, Hawaii

NOV 15 2007


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

04-0046.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23834 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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DATED: NOV 15 2007