

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
For Approval of: (1) a Contract)
Between HELCO and the Army for the)
Acquisition and Upgrade of the)
Army's Pohakuloa Training Area and)
Kilauea Military Camp (Island of)
Hawaii) Electrical Distribution)
Systems; (2) a Pole Attachment and)
Duct Use Agreement; (3) an Interim)
Billing Arrangement with the Army;)
(4) a Waiver of HELCO Rule 14; and)
(5) an Interim Order For Waiver of)
HELCO Rule 14.)

DOCKET NO. 05-0321

ORDER APPROVING WITHDRAWAL OF APPLICATION

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

PUBLIC UTILITIES
COMMISSION

2009 SEP -3 P 12:17

FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.) Docket No. 05-0321
For Approval of: (1) a Contract)
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Acquisition and Upgrade of the)
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Hawaii) Electrical Distribution)
Systems; (2) a Pole Attachment and)
Duct Use Agreement; (3) an Interim)
Billing Arrangement with the Army;)
(4) a Waiver of HELCO Rule 14; and)
(5) an Interim Order For Waiver of)
HELCO Rule 14.)
_____)

ORDER APPROVING WITHDRAWAL OF APPLICATION

By this Order, the commission approves the withdrawal, without prejudice, of HAWAII ELECTRIC LIGHT COMPANY, INC.'s ("HELCO") application, filed on December 20, 2005, and closes this docket.¹

I.

Withdrawal of Application

By its application filed on December 20, 2005, HELCO sought the commission's approval of: (1) Contract No. W912CN-04-0008, effective June 16, 2004, as amended, between

¹The Parties are HELCO and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62(a).

HELCO and the United States Army ("Army") for the acquisition and upgrade of the Army's Pohakuloa Training Area ("PTA") and Kilauea Military Camp ("KMC") electrical distribution systems; and (2) other related matters.

By Order No. 23372, filed on April 19, 2007, the commission approved HELCO's request to suspend this proceeding.² Subsequently, on August 31, 2009, HELCO filed its Withdrawal of Application. In support of its withdrawal, HELCO explains:

. . . . As a result of the substantial changes to the project scope since the filing of the application in late 2005, e.g., the agreement by the Army and HELCO to remove the KMC facility from the scope of the Army's privatization effort, HELCO's request for an increased contribution from the Army (which is still pending a response from the Army), HELCO prefers to withdraw the application at this time rather than amending the application. HELCO has notified the Army that the PTA/KMC privatization application is being withdrawn.

. . . .

If the Army requests HELCO to enter into discussions regarding a modified contract for the privatization of the PTA and/or KMC electric distribution systems, and assuming that agreement on a modified contract can be reached, HELCO will submit a new application at the appropriate time.

HELCO's Withdrawal of Application, at 2-3 (footnote and text therein omitted).

The commission approves the withdrawal of HELCO's application, without prejudice, and closes this docket.

²See also Order Instructing Hawaii Electric Light Company, Inc. to File Quarterly Status Reports, filed on November 18, 2008.

II.


Orders

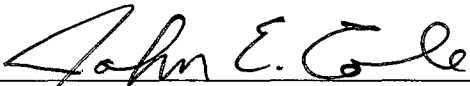
THE COMMISSION ORDERS:


1. The withdrawal of HELCO's application, without prejudice, is approved.
2. This docket is closed unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii SEP - 3 2009.


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

05-0321.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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