

connection with various studies examining: (1) the integration and transmission of wind generated energy potential located on Molokai and Lanai (the "Big Wind Projects") to HECO's power grid on Oahu, and (2) potential routes and permitting requirements for the Oahu transmission lines and facilities necessary to interconnect the undersea cables that would deliver power from the Big Wind Projects to Oahu.² HECO also requests approval to recover the cost of these "Big Wind Implementation Studies" through either the Renewable Energy Infrastructure Surcharge, pending in Docket No. 2007-0416, or through a Big Wind Surcharge mechanism that would be approved in this proceeding. If surcharge recovery is denied, HECO requests commission approval to defer the Big Wind Implementation Studies costs to HECO's next rate case.

On September 11, 2009, the Parties filed a proposed Stipulated Procedural Order ("SPO"). Attached to the SPO at Exhibit A is a proposed Stipulated Procedural Schedule.

By letter filed September 16, 2009, from HECO to the commission, the commission was informed that the parties had agreed to move the date of the "Overview Session" from September 18, 2009 to September 22, 2009.

²Application; Exhibits 1-4; Verification; and Certificate of Service ("Application"). HECO served copies of its Application on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), which is an ex officio party to this proceeding pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules § 6-61-62.

II.

Stipulated Procedural Order

In reviewing the SPO, the commission finds it appropriate to adopt the SPO with modifications to the Statement of Issues in Section I.

A.

Issues

In their SPO, the HECO Companies propose the following two issues.

1. Is Hawaiian Electric's proposal to defer Big Wind Implementation Studies costs beginning in 2009 and proposed accounting treatment just and reasonable?
2. Is the proposed cost recovery of the deferred Big Wind Implementation Studies costs through a surcharge mechanism reasonable?

Upon review, the commission notes that the proposed issues presume that the Big Wind Projects and associated costs are reasonable and in the public interest. As the commission has not, nor will it be making, a determination in this proceeding on the reasonableness of the Big Wind Projects, it will modify the issues accordingly:

1. To the extent that the Big Wind Projects and their associated costs are reasonable and in the public interest, is Hawaiian Electric's proposal to defer Big Wind Implementation Studies costs beginning in 2009 and proposed accounting treatment just and reasonable?
2. To the extent that the Big Wind Projects and their associated costs are reasonable and in the public interest, is the proposed cost

recovery of the deferred Big Wind
Implementation Studies costs through a
surcharge mechanism reasonable?

B.

Copies

In their SPO, the Parties agree to file an "Original + 8 copies" with the commission. As fewer copies will be needed, the number of copies to be filed with the commission shall be "Original + 4 copies" in this docket.

III.

Order

THE COMMISSION ORDERS:

The proposed Stipulated Prehearing Order, attached as Exhibit 1, is approved as modified herein, consistent with the terms of this Order.

DONE at Honolulu, Hawaii SEP 23 2009.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

Leslie H. Kondo
By
Leslie H. Kondo, Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC COMPANY, INC.

For Approval of Recovery of Big Wind Implementation
Studies Costs through the Renewable Energy Infrastructure
Program Surcharge

Docket No. 2009-0162

STIPULATED PROCEDURAL ORDER

EXHIBIT A

and

CERTIFICATE OF SERVICE

PUBLIC UTILITIES
COMMISSION

2009 SEP 11 P 12:56

FILED

EXHIBIT 1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC COMPANY, INC.

For Approval of Recovery of Big Wind Implementation
Studies Costs through the Renewable Energy Infrastructure
Program Surcharge

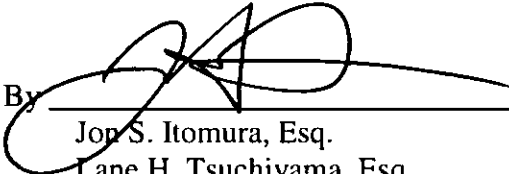
Docket No. 2009-0162

STIPULATED PROCEDURAL ORDER

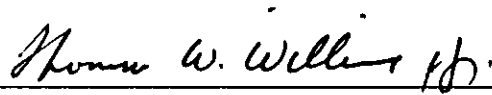
Hawaiian Electric Company, Inc. and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (collectively the "Parties") hereby stipulate that the Stipulated Procedural Order, attached hereto as Exhibit "A," is mutually acceptable to each respective party.

This Stipulated Procedural Order may be executed by the Parties in counterparts, each which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DATED: Honolulu, Hawaii, September 11, 2009

By 

Jon S. Itomura, Esq.
Lane H. Tsuchiyama, Esq.
Attorneys for
The Division of Consumer Advocacy

By 

Thomas W. Williams, Jr., Esq.
Peter Y. Kikuta, Esq.
Damon Schmidt, Esc.
Goodsill Anderson Quinn Stifel LLC
Attorneys for
Hawaiian Electric Company, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC COMPANY, INC.

For Approval of Recovery of Big Wind Implementation
Studies Costs through the Renewable Energy Infrastructure
Program Surcharge

Docket No. 2009-0162

STIPULATED PROCEDURAL ORDER

On July 17, 2009, Hawaiian Electric Company, Inc. (“Hawaiian Electric” or the “Company”) filed an application requesting Commission approval to defer Big Wind Implementation Studies costs and recover those costs through a surcharge mechanism.

By Order Denying Motions to Intervene and Participate filed September 2, 2009, the Commission denied the Motion to Intervene filed by Life of the Land on July 29, 2009, the Motion to Participate filed by Hawaii Holdings, LLC, dba First Wind Hawaii on August 4, 2009, and the Motion to Participate filed by Castle & Cooke Resorts, LLC, on August 6, 2009.

Hawaiian Electric and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (“Consumer Advocate”) are collectively herein referred to as “Parties”. The Parties agree that the following provisions of this Stipulated Procedural Order are mutually acceptable to each. Accordingly, it is requested that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

I. STATEMENT OF THE ISSUES

The issues in this docket are:

1. Is Hawaiian Electric's proposal to defer Big Wind Implementation Studies costs beginning in 2009 and proposed accounting treatment just and reasonable?
2. Is the proposed cost recovery of the deferred Big Wind Implementation Studies costs through a surcharge mechanism reasonable?

II. SCHEDULE OF PROCEEDINGS

The Parties shall adhere to the schedule of proceedings set forth in the Stipulated Procedural Schedule attached hereto as Exhibit "A", unless modified by the Commission. The Parties agree to waive a hearing, but recognize that the Commission may determine that a hearing is appropriate. If the Commission determines that a hearing is appropriate, each Party shall file a witness list in accordance with the procedural schedule specifying the name, title and CV of each witness, and the subject addressed by each witness.

If the Commission determines that the matter can be decided without a hearing, Hawaiian Electric respectfully requests approval of the application by December 31, 2009 to allow its 2009 Big Wind Implementation Studies outside services costs to be deferred. If the Commission does determine that a hearing is appropriate, Hawaiian Electric respectfully requests approval of the application by February 15, 2010.

Notwithstanding the above, the Parties may amend the Stipulated Procedural Schedule as may be agreed in writing from time to time; provided that the requesting party or parties receive the Commission's approval in accordance with Hawaii Administrative Rules ("HAR") § 6-61-23, to the extent applicable. However, the intent of the Parties in agreeing to a schedule

at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Procedural Order. To the extent practical, the Parties will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The Parties shall then endeavor to agree upon a later date for submission of the requested information. If the Parties are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the party to respond.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request shall make the

diskette or such electronic medium available to the other parties and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document.¹ In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential

¹ As practical, each party will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such parties, designated by the requesting parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party.

information to some or all representatives of the party pursuant to a protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

Generally, exhibits should include appropriate footnotes, or narratives inserted in the related testimony, setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

B. Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that Hawaiian Electric has filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the Parties; and

further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the Parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

C. Copies of Testimony, Exhibits and Information Requests

1. Copies of Filings, Information Requests, Responses to Information Requests,

Statement of Position:

Commission	Original + 8 copies
Hawaiian Electric	2 copies
Consumer Advocate	2 copies

2. All pleadings, briefs and other documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, § 6-61-16 of the Commission's Rules of Practice and Procedure and shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, Subchapter 2, § 6-61-15 of the Commission's Rules of Practice and Procedure.

3. Requisite copies of all documents shall be sent to the Commission, Consumer Advocate, and Hawaiian Electric by hand delivery or United States mail (first class, postage prepaid). The Parties stipulate and agree that service of documents between parties, other than documents designated as confidential pursuant to any protective order adopted in this proceeding, shall be served electronically via e-mail in a portable document format ("pdf") by 5:00 p.m. on the day due. The pdf versions served electronically via e-mail shall maintain the original formatting and pagination of the documents sent to the Commission, Consumer

Advocate, and Hawaiian Electric. The Parties agree to use Word 97, Word 2000, Word 2002, Word 2003, or later editions of Word readable by these versions as the standard programming format for filings in this case. The Parties also agree to submit any spreadsheets (e.g., used as workpapers or exhibits) in Microsoft Excel format. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97, Word 2000, Word 2003 as long as the applicable format is identified.

D. Communications

Chapter 61, Subchapter 3, § 6-61-29 of the Commission's Rules of Practice and Procedure concerning *ex parte* communications is applicable to any communications between a party and the Commission. However, the Parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the Parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

E. Order of Examination

The order of presentation for witnesses, and whether the witness will present both written and rebuttal testimony at the same time, shall be determined at the prehearing conference to be held pursuant to the Stipulated Procedural Schedule.

Examination of any witness shall be limited to one attorney for a party. The parties shall avoid duplicative or repetitious cross-examination. Cross-examination shall be limited to

witnesses whose testimony is adverse to the party desiring to cross-examine. Re-cross-examination shall be limited to the extent of material covered in redirect examination unless otherwise permitted by the Commission.

F. General

These procedures are consistent with the orderly conduct of this docket. Pursuant to Chapter 61, Subchapter 3, § 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearing to prevent manifest injustice.

This Stipulated Procedural Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DONE at Honolulu, Hawaii, this _____ day of _____, 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:

Stacey Kawasaki Djou
Commission Counsel

EXHIBIT A

Stipulated Procedural Schedule Docket No. 2009-0162

	Procedural Steps	Deadline
1	Hawaiian Electric Application	July 17, 2009
2	Overview Session	September 18, 2009
3	Consumer Advocate's Information Requests to Hawaiian Electric ²	October 2, 2009
4	Hawaiian Electric's Responses to Information Requests	October 23, 2009
5	Consumer Advocate's Statement of Position	November 12, 2009
6	Hawaiian Electric's Reply Statement of Position ³	November 30, 2009
7	Simultaneous Designation of Witnesses ⁴	December 4, 2009
8	Prehearing Conference ⁵	December 7, 2009
9	Evidentiary Hearing ⁵	December 14, 2009
10	Simultaneous Briefs ⁵	January 11, 2010

² Whenever possible, all Parties will provide a copy of documents electronically upon request.

³ If necessary.

⁴ Parties agree to waive a hearing, but recognize that the Commission may determine that a hearing is appropriate.

⁵ If a hearing is determined to be appropriate by the Commission.

CERTIFICATE OF SERVICE

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

CATHERINE P. AWAKUNI
Executive Director
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs
335 Merchant Street, Room 326
Honolulu, Hawaii 96813

DEAN K. MATSUURA
Manager, Regulatory Affairs
Hawaiian Electric Company, Inc.
P. O. Box 2750
Honolulu, Hawaii 96840-0001

THOMAS W. WILLIAMS, JR., ESQ.
PETER Y. KIKUTA, ESQ.
DAMON SCHMIDT, ESQ.
Goodsill Anderson Quinn & Stifel
1800 Alii Place
1099 Alakea Street
Honolulu, Hawaii 96813

Counsel for Hawaiian Electric

CERTIFICATE OF SERVICE

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

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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