

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 HAWAIIAN ELECTRIC COMPANY, INC.)
)
 For a Declaratory Order Regarding)
 the Exemption of the H-Power)
 Proposed Project From the Framework)
 For Competitive Bidding, or, in the)
 Alternative, for Approval of)
 Application for Waiver from the)
 Framework for Competitive Bidding.)
 _____)

DOCKET NO. 2009-0291

ORDER DECLINING TO ISSUE A DECLARATORY RULING WITHIN 45 DAYS

2009 NOV -6 P 1:26
PUBLIC UTILITIES
COMMISSION

FILED

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HAWAIIAN ELECTRIC COMPANY, INC.) Docket No. 2009-0291
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For a Declaratory Order Regarding)
the Exemption of the H-Power)
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Application for Waiver from the)
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_____)

ORDER DECLINING TO ISSUE A DECLARATORY RULING WITHIN 45 DAYS

By this Order, the commission declines to issue a declaratory ruling within the 45-day time period set forth in Hawaii Administrative Rules ("HAR") § 6-61-162,¹ pending its receipt and review of the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs' Statement of Position ("Consumer Advocate's SOP").² The Consumer Advocate's SOP shall be filed within fourteen days of the date of this Order.

¹See HAR § 6-61-164; In re PowerLight Corp., Docket No. 02-0182, Order No. 19545, filed on August 28, 2002 (declining to issue a declaratory order within 45 days pending the commission's receipt and review of responses to the commission's third set of information requests).

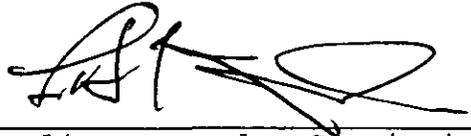
²In the Division of Consumer Advocacy's Preliminary Statement of Position, filed on October 8, 2009, the Consumer Advocate stated that it "will participate in the above captioned proceeding and will state its position upon completion of its investigation."

DONE at Honolulu, Hawaii NOV - 6 2009 .

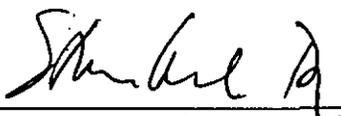
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0291.laa

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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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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