

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN ELECTRIC COMPANY, INC.)
For Approval to Commit Funds in)
Excess of \$500,000 for Item Y48500,)
East Oahu Transmission Project.)

DOCKET NO. 03-0417

ORDER NO. 20862

Filed March 23, 2004
At 11:00 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED
2004 MAR 24 A 8:45
DIV. OF CONSUMER ADVOCACY
DEPT. OF GOVERNMENT AND
CONSUMER AFFAIRS
STATE OF HAWAII

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

| | | |
|--|---|--------------------|
| In the Matter of the Application of) |) | |
| HAWAIIAN ELECTRIC COMPANY, INC.) |) | Docket No. 03-0417 |
| For Approval to Commit Funds in) |) | |
| Excess of \$500,000 for Item Y48500,) |) | Order No. 20862 |
| East Oahu Transmission Project.) |) | |
| _____) |) | |

ORDER

I.

Introduction

On December 18, 2003, HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") filed an application requesting commission approval to, among other things, commit approximately \$55,424,000 for Item Y48500, East Oahu Transmission Project ("proposed project"), in accordance with paragraph 2.3.g.2 of the commission's General Order No. 7, Standards of Electric Utility Service in the State of Hawaii.

HECO served copies of the application on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"), an *ex officio* party to this docket, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

On January 7, 2004, Michelle S. Matson ("Ms. Matson") and Carolyn H. Walthers ("Ms. Walthers") (collectively referred to as the "Movants") timely filed their respective motions to intervene in this docket. On January 16, 2004, Ms. Matson filed

an errata sheet providing her address to the commission, in compliance with HAR § 6-61-16(b). On January 16, 2004, HECO filed memoranda in response to the Movants' respective motions to intervene, proposing that each of the Movants be allowed to participate in the proceeding, without being allowed to intervene as a party.

II.

Discussion

HAR § 6-61-55, which governs intervention in our proceedings, requires, among other things, the movant to state the facts and reasons for the proposed intervention, and its position and interest thereto. Furthermore, HAR § 6-61-55(d) states that "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented."

A.

Ms. Matson

Ms. Matson, an individual who resides on Gail Street (which is in the vicinity of Kapiolani Park), is "an individual landowner in the East Oahu area" who "is active in environmental, conservation, and community organizations in Honolulu, and is concerned about any and all environmental impacts ... created by overhead transmission lines." In her motion to intervene, Ms. Matson alleges, among other things, that she has an interest in this docket because she has a need "to protect her stated

property and environmental interests, which are currently unrepresented in this proceeding." Ms. Matson contends her interests differ from that of the Consumer Advocate by stating that the Consumer Advocate, "who represents consumers' or ratepayers' interests," will not adequately represent her "property and environmental interests."

We find that Ms. Matson failed to, among other things, satisfactorily demonstrate that her interests are reasonably pertinent to the matters presented. Moreover, Ms. Matson failed to substantiate how she will assist in the development of a sound record and refrain from unreasonably broadening the issues already presented.

We, therefore, find that Ms. Matson did not satisfy the requirements of HAR § 6-61-55. Accordingly, we conclude that Ms. Matson's motion to intervene should be denied.

B.

Ms. Walthers

Ms. Walthers is an "individual landowner in the East Oahu area" who "is active in environmental, conservation, and community interests and organizations, and concerned about any and all environmental impacts ... created by overhead transmission lines [and] the disruption to the neighborhood areas affected." Ms. Walthers contends that she has an interest in this docket because she "is concerned about environmental and property interests and health and welfare of those who will be affected by HECO's proposal." Like Ms. Matson, Ms. Walthers

suggests that her interests differ from that of the Consumer Advocate. She states that the Consumer Advocate "is bound by law to represent the interests of the general public", whereas Ms. Walthers is "concerned with environmental impacts and property values in Palolo, as well as the larger East Oahu."

We find that Ms. Walthers failed to, among other things, satisfactorily demonstrate that her interests are reasonably pertinent to the matters presented. Moreover, Ms. Walthers failed to substantiate how she will assist in the development of a sound record and refrain from unreasonably broadening the issues already presented.

Therefore, we find that Ms. Walthers did not satisfy the requirements of HAR § 6-61-55. Accordingly, we conclude that Ms. Walthers's motion to intervene should be denied.

III.

Orders


THE COMMISSION ORDERS:

1. Ms. Matson's motion to intervene is denied.
2. Ms. Walther's motion to intervene is denied.

DONE at Honolulu, Hawaii this 23rd day of March, 2004.

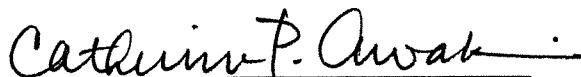
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

03-0417.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20862 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

WILLIAM A. BONNET
VICE PRESIDENT - GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

PATSY H. NANBU
DIRECTOR - REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

THOMAS W. WILLIAMS, JR., ESQ.
PETER Y. KIKUTA, ESQ.
GOODSILL ANDERSON QUINN & STIFEL
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, HI 96813

HENRY Q CURTIS
VICE PRESIDENT FOR CONSUMER ISSUES
LIFE OF THE LAND
76 North King Street, Suite 203
Honolulu, HI 96817

SCOTT K. SAIKI
c/o State Capitol, Room 438
Honolulu, HI 96813

Certificate of Service

Page 2

KAREN H. IWAMOTO, PRESIDENT
PALOLO COMMUNITY COUNCIL
3443 Hardesty Street
Honolulu, HI 96816

DARLENE NAKAYAMA
HOOLAULIMA O PALOLO
2396 Palolo Avenue
Honolulu, HI 96816

COREY Y.S. PARK, ESQ.
PAMELA W. BUNN, ESQ.
PAUL JOHNSON PARK & NILES
1001 Bishop Street
Suite 1300, ASB Tower
Honolulu, HI 96813

DR. JEREMY LAM, PRESIDENT
MALAMA O MANOA
2230 Kamehameha Avenue
Honolulu, HI 96822

DAISY M. MURAI, SECRETARY
KAPAHULU NEIGHBORS
c/o 3039 Kaunaoa Street
Honolulu, HI 96815

MICHELLE S. MATSON
3931 Gail Street
Honolulu, HI 96815-4502

CAROLYN H. WALTHERS
1520 Pukele Avenue
Honolulu, HI 96816-2823

Karen Higashi

DATED: March 23, 2004