BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of )

HAWAIIAN ELECTRIC COMPANY, INC. ) Docket No. 04-0128

For approval of Low Sulfur Fuel Oil )
Contract Amendments with Chevron Products )
Company and Tesoro Hawaii Corporation and )
to include Contract Amendments Costs in )
HECO's Energy Cost Adjustment Clause. )

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STIPULATED PROCEDURAL ORDER NO. 21218

Filed _______ August 5, 2004 _______
At ______ 8 o'clock ______ A.M.

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Chief Clerk of the Commission
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
HAWAIIAN ELECTRIC COMPANY, INC. Docket No. 04-0128
For approval of Low Sulfur Fuel Oil Contract Amendments with Chevron Products Company and Tesoro Hawaii Corporation and to include Contract Amendments Costs in HECO’s Energy Cost Adjustment Clause.

STIPULATED PROCEDURAL ORDER

Applicant Hawaiian Electric Company, Inc. (“HECO”) and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the “Consumer Advocate”) hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, July 28, 2004

WILLIAM A. BONNET JOHN E. COLE
Vice President, Government Executive Director and Community Affairs Division of Consumer Advocacy Hawaiian Electric Company, Inc. Department of Commerce and Consumer Affairs
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC COMPANY, INC.  Docket No.  04-0128

For approval of Low Sulfur Fuel Oil
Contract Amendments with Chevron Products Company and Tesoro Hawaii Corporation and
to include Contract Amendments Costs in HECO’s Energy Cost Adjustment Clause.

STIPULATED PROCEDURAL ORDER


By Order No. 21107, filed July 8, 2004, the Commission directed HECO and the Consumer Advocate to submit a stipulated procedural schedule for the Commission’s consideration and approval by July 28, 2004 (20 days from the date of Order No. 21107).

HECO and the Consumer Advocate have reached agreement on procedural matters and submit this Stipulated Procedural Order to the Commission, which is acceptable to the parties.
ACCORDINGLY, IT IS ORDERED that the following Schedule of Proceedings and procedures shall be utilized in this docket.

I.

STATEMENT OF THE ISSUES

The issues in this docket are:

1. Are the LSFO contract amendments with Chevron Products Company and Tesoro Hawaii Corporation reasonable?

2. Is it reasonable for HECO to include the costs for LSFO and related taxes incurred pursuant to the contract amendments in its Energy Cost Adjustment Clause, to the extent that they are not recovered in HECO’s base rates?

II.

SCHEDULE OF PROCEEDINGS

HECO Application Filed May 28, 2004
CA Information Requests ("IRs") to HECO¹ August 24, 2004
HECO IR Responses to CA¹ September 10, 2004
CA Supplemental IRs ("SIRs")¹, if necessary September 24, 2004
HECO Responses to SIRs¹ October 8, 2004
CA Statement of Position ("SOP") November 4, 2004

¹Whenever possible, parties will provide copy of documents on diskette upon request.
* If the Consumer Advocate objects to approval of the application, or requests that approval be subject to conditions.

If there are substantial disagreements following the filing of the SOPs, and the parties cannot resolve the differences by stipulation and the parties do not waive the right to a hearing, the parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

If HECO determines that a Reply SOP is unnecessary, HECO and the Consumer Advocate will notify the Commission that the proceeding is ready for decision making.

The parties acknowledge that the LSFO contract amendments are scheduled to become effective January 1, 2005. HECO would appreciate a final decision from the Commission prior to January 1, 2005. However, the parties recognize that the Commission may be unable to complete its review of the LSFO contract amendments and issue its final decision by December 31, 2004. The parties request that the Commission issue an interim order prior to December 31, 2004 if a final decision cannot be issued.

III.

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

A. Requests for Information

To the extent practical, HECO and the Consumer Advocate 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.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials, 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 may make the diskette or such electronic medium available to the other party and the Commission.

A party shall not be required, in a response to an information request, to provide data that 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. 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 information 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.

B. Matters of Public Record

In order to provide a means to reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that HECO 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 Filings and Information Requests.**

1. **Filings:**

   - Commission: Original + 8 copies
   - HECO: 2 copies
   - Consumer Advocate: 2 copies

2. **Information Requests and Responses:**

   - Commission: Original + 8 copies
   - HECO: 2 copies
   - Consumer Advocate: 2 copies

3. **All pleadings, and other documents required to be filed with the Commission** shall be filed at the office of the Commission in Honolulu within the time
limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the

4. Copies of all filings, information requests and information request
responses should be sent to the other parties by hand delivery or via facsimile. In
addition, if available, all parties shall provide copies of their filings, information requests
and information request responses to the other parties via diskette or e-mail in a standard
electronic format that is readily available by the parties. The parties agree to use Word 97
or Word 2000 as the standard programming format for filings in this case. 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 as long as the
applicable format is identified. In the event a copy of a filing, information request or
information request response is delivered to a party via diskette or e-mail, unless
otherwise agreed to by such party, the same number of copies of such filing, information
request or information request response must still be delivered to such party by hand
delivery or via facsimile as provided in Parts C.1 and C.2 above.

D. Communications

Chapter 61, subchapter 3, section 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. General

These procedures are consistent with the orderly conduct of this docket.

Pursuant to Chapter 61, subchapter 3, section 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 hearings to prevent manifest injustice.
DONE at Honolulu, Hawaii, this 5th day of August, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

Carlito P. Caliboso, Chairman

Wayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Kevin M. Katsura
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Procedural Order No. 21218 upon the following parties and participant, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party or participant.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
335 Merchant Street, Room 326
Honolulu, Hawaii 96813

WILLIAM A. BONNET
VICE PRESIDENT, GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
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PATSY H. NANBU
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DATED: AUG 05 2004

Karen Higashi