BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC COMPANY, INC.  )  Docket No.  03-0142

For Approval of a Residential Customer Energy
Awareness Pilot Program and Recovery of
Program Costs.

STIPULATED PROCEDURAL ORDER NO. 21339

Filed Sept. 10, 2004

At 1 o'clock P.M.

Francis Higashide
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. 03-0142

For Approval of a Residential Customer Energy Awareness Pilot Program and Recovery of Program Costs.

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, August 31, 2004

WILLIAM A. BONNET  JOHN E. COLE
Vice President, Government and Community Affairs  Executive Director
Hawaiian Electric Company, Inc.  Division of Consumer Advocacy
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.

For Approval of a Residential Customer Energy Awareness Pilot Program and Recovery of Program Costs.

Docket No. 03-0142

STIPULATED PROCEDURAL ORDER

On May 15, 2003, Hawaiian Electric Company, Inc. ("HECO") filed an application requesting, among other things, that the Commission approve HECO’s proposed Residential Customer Energy Awareness Pilot Program ("RCEA Program") and recovery of the RCEA Program costs for the two years of the program using HECO’s Integrated Resource Plan ("IRP") Cost Recovery Provision. HECO served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate").

The Consumer Advocate filed a Preliminary Statement of Position on June 9, 2003 that stated the Consumer Advocate had some questions regarding the RCEA Program. The Consumer Advocate issued information requests to HECO on June 12, 2003, and HECO responded to the Consumer Advocate’s information requests on June 26, 2003.

By Order No. 20905 issued April 15, 2004 in Docket No. 03-0142 ("Order No. 20905"), the Commission ordered HECO and the Consumer Advocate to meet informally...

In an effort to determine if an agreement can be reached in this proceeding, HECO and the Consumer Advocate have had informal discussions to clarify HECO’s application and to discuss the Consumer Advocate’s concerns. However, a settlement agreement regarding HECO’s application cannot be reached at this time, and 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.

SCHEDULE OF PROCEEDINGS

HECO Application May 15, 2003
CA Preliminary Statement of Position June 9, 2003
CA Information Requests ("IRs") to HECO¹ June 12, 2003
HECO IR Responses to CA¹ June 26, 2003
HECO Application/IR Responses Clarification² October 7, 2004
CA Supplemental IRs ("SIRs") to HECO regarding Clarification October 29, 2004
HECO Responses to SIRs¹ November 12, 2004
CA Statement of Position ("SOP") December 1, 2004
HECO Reply to CA SOP December 21, 2004
HECO and CA joint filing* January 7, 2005

* If there are substantial disagreements following the filing of the SOPs, and the parties cannot resolve the differences by stipulation, the joint filing would state whether (1) the parties waive the right to a hearing, in which case the matter will be submitted to the Commission for decision-making, or (2) the parties request that the Commission set the matter for hearing, in which case the parties will provide (a) the date each party will file its list of witnesses (and the portions of the application, IR responses and Statement

¹ Whenever possible, parties will provide copy of documents on diskette upon request.
² The Application/IR responses clarification will supplement and incorporate into the record information provided by the Company in response to concerns expressed by the Consumer Advocate in a draft Statement of Position that was informally provided to the Company on October 16, 2003.
of Position each witness will adopt in lieu of filing written testimonies), and (b) a proposed hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

II.

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 Commission’s Rules of Practice and Procedure.

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/Word 2000/Word 2003 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/Word 2003 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 10th day of September, 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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated
Procedural Order No. 21339 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
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PATSY H. NANBU
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Karen Higashi

DATED: SEP 10 2004