BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.) Docket No. 04-0346
For Approval of a Restated and )
Amended Power Purchase Contract )
with Apollo Energy Corporation, )
and a Commission Determination that) the HELCO-Owned Interconnection ) Facilities can be Constructed ) Above the Surface of the Ground, ) Pursuant to Hawaii Revised Statutes ) § 269-27.6(a). )

ORDER NO. 21499

Filed Dec. 20, 2004
At 10:00 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
For Approval of a Restated and
Amended Power Purchase Contract
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and a Commission Determination that
the HELCO-Owned Interconnection
Facilities can be Constructed
Above the Surface of the Ground,
Pursuant to Hawaii Revised Statutes)
§ 269-27.6(a).)

ORDER

HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") requests
the commission's approval: (1) of a Restated and Amended Power
Purchase Contract, dated October 13, 2004 ("RAC"), with Apollo
Energy Corporation ("Apollo"); and (2) of other matters related
to the RAC.¹ In addition, HELCO requests that the commission
find that the two (2) 69 kilovolt line drops associated with the
HELCO-owned interconnection facilities can be constructed above
the surface of the ground, consistent with Hawaii Revised
Statutes ("HRS") § 269-27.6(a).²

HELCO makes its requests in accordance with Hawaii
Administrative Rules ("HAR") § 6-60-6(2) and HRS § 269-27.6(a).

¹HELCO's Application, Exhibits 1 - 12, Verification, and
Certificate of Service, filed on November 26, 2004 (collectively,
the "Application").

²Id.
respectively. HELCO served copies of its Application upon: (1) the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), a statutory party to this proceeding;\(^3\) and (2) Apollo.

HELCO's Application seeking the commission's approval of the RAC represents the culmination of Apollo's petition filed in Docket No. 00-0135, requesting the commission's assistance and guidance in finalizing the RAC, pursuant to HAR § 6-74-15. If the commission does not approve the RAC within twelve (12) months from the date of HELCO's Application (subject to extension by mutual agreement), HELCO or Apollo may declare the RAC null and void. Accordingly, the commission will instruct HELCO and the Consumer Advocate (collectively, the "Parties") to submit a stipulated procedural schedule for the commission's review and consideration.\(^4\)

\(^3\)See HRS § 269-51.

\(^4\)In the event intervenor or participant status is granted to any interested person, said intervenor or participant will be instructed to join in HELCO's and the Consumer Advocate's efforts in formulating a stipulated procedural schedule.

The Consumer Advocate was not an active party in Docket No. 00-0135. Instead, it chose to wait until a RAC was negotiated, agreed upon, and executed between HELCO and Apollo, before actively reviewing the RAC. In response, the commission, in Docket No. 00-0135, noted that "if the Consumer Advocate objects to or is concerned with any of the commission's recommendations made in [Docket No. 00-0135], the Consumer Advocate should promptly communicate its concerns to [HELCO and Apollo]." Decision and Order No. 18568, filed on May 30, 2001, at 2, footnote 2.
THE COMMISSION ORDERS that within sixty (60) days from the date of this Order, the Parties shall submit to the commission a stipulated procedural schedule, incorporating their agreed upon schedule with respect to this proceeding. If they are unable to stipulate to such a schedule, each Party shall submit a proposed procedural schedule for the commission's consideration by the same date.

DONE at Honolulu, Hawaii  

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:

Michael Azama  
Commission Counsel

04-0346.cc
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21499 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

WARREN H.W. LEE
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. Box 1027
Hilo, HI 96721-1027

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

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

DATED: DEC 20, 2004

Karen Higashi