

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)
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).)
_____)

Docket No. 04-0346

ORDER NO. 21499

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2004 DEC 22 A 9:01

RECEIVED

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

Karen Higashi.
Chief Clerk of the Commission

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

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
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In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
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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

³See HRS § 269-51.


⁴In 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.

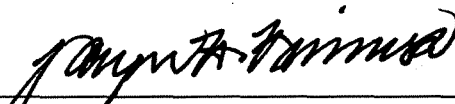
The Consumer Advocate was not an active party in Docket No. 00-0135. Instead, it chose to wait until a RAC was negotiated, agreed upon, and executed between HELCO and Apollo, before actively reviewing the RAC. In response, the commission, in Docket No. 00-0135, noted that "if the Consumer Advocate objects 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.

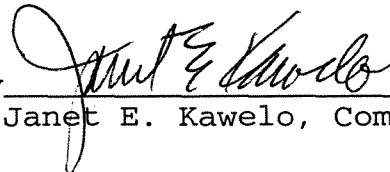
THE COMMISSION ORDERS that within sixty (60) days from the date of this Order, the Parties shall submit to the commission a stipulated procedural schedule, incorporating their agreed upon schedule with respect to this proceeding. If they are unable to stipulate to such a schedule, each Party shall submit a proposed procedural schedule for the commission's consideration by the same date.

DONE at Honolulu, Hawaii DEC 20 2004.

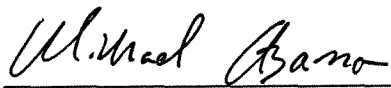
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

04-0346.cs

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
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PATSY NANBU
DIRECTOR, REGULATORY AFFAIRS
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Karen Higashi

DATED: DEC 20 2004