

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. 21566

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2005 JAN 31 A 8:12
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed Jan. 27, 2005
At 11 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

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).)

Order No. 21566

The commission approves, with modification, the Proposed Stipulated Procedural Order ("Proposed Order") jointly submitted by HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") and the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (collectively, the "Parties"), on January 24, 2005.

HELCO requests the commission's approval: (1) of a Restated and Amended Power Purchase Contract, dated October 13, 2004 ("RAC"), with Apollo Energy Corporation; 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

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

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), respectively.³

On January 24, 2005, the Parties jointly submitted their Proposed Order, in compliance with Order No. 21499, filed on December 20, 2004. Pages 2 - 3 of the Proposed Order states in part:

If there are substantial disagreements following the filing of the CA [Statement of Position] SOP and HELCO's Reply to the CA SOP, 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.

HELCO filed its Application pursuant to HAR § 6-60-6(2) and HRS § 269-27.6(a). A hearing on HELCO's Application is not required by law. Rather, a hearing, if any, is subject to the commission's discretion. Accordingly, the commission approves the Proposed Order, attached hereto as Exhibit 1, as modified by

²Id.

³HAR § 6-60-6(2) provides:

No changes in fuel and purchased energy costs may be included in the fuel adjustment clause unless the contracts or prices for the purchase of such fuel or energy have been previously approved or filed with the commission.

HRS § 269-27.6(a), in turn, requires the commission's approval for the construction of a new 46 kV or greater high voltage electric transmission system above the surface of the ground, whenever a public utility applies for such approval.

removing the "and the parties do not waive the right to a hearing" language from pages 2 - 3 of the Proposed Order.

THE COMMISSION ORDERS that the Parties' Proposed Stipulated Procedural Order, submitted on January 24, 2005 and attached hereto as Exhibit 1, is approved as modified. The Procedural Order, at pages 2 - 3, is modified to read as follows:

If there are substantial disagreements following the filing of the CA [Statement of Position] SOP and HELCO's Reply to the CA SOP, and the parties cannot resolve the differences by stipulation, the parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

In all other respects, unless ordered otherwise by the commission, this Stipulated Procedural Order, as modified, remains unchanged.

DONE at Honolulu, Hawaii JAN 27 2005.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By Wayne H. Kimura
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Michael Azama
Michael Azama
Commission Counsel

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

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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 Restated and Amended Power
Purchase Contract With Apollo Energy Corporation,
and Determination that the HELCO-Owned
Interconnection Facilities be Constructed Above the
Surface of the Ground Pursuant to HRS 269-27.6(a).

STIPULATED PROCEDURAL ORDER NO. _____

Filed _____, 2005

At _____ o'clock _____ M.

Chief Clerk of the Commission

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 Restated and Amended Power
Purchase Contract With Apollo Energy Corporation,
and Determination that the HELCO-Owned
Interconnection Facilities be Constructed Above the
Surface of the Ground Pursuant to HRS 269-27.6(a).

STIPULATED PROCEDURAL ORDER

Applicant Hawaii Electric Light Company, Inc. ("HELCO") 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, January 24, 2005.



WILLIAM A. BONNET

Vice President

Hawaii Electric Light Company, Inc.



JOHN E. COLE

Executive Director

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

HAWAII ELECTRIC LIGHT COMPANY, INC.

DOCKET NO. 04-0346

For Approval of Restated and Amended Power
Purchase Contract With Apollo Energy Corporation,
and Determination that the HELCO-Owned
Interconnection Facilities be Constructed Above the
Surface of the Ground Pursuant to HRS 269-27.6(a).

STIPULATED PROCEDURAL ORDER

On November 26, 2004, Hawaii Electric Light Company, Inc. ("HELCO") filed an application requesting Commission approval: (1) of a Restated and Amended Power Purchased Contract, dated October 13, 2004 ("RAC"), by and between HELCO and Apollo Energy Corporation ("Apollo"), and (2) of other matters related to the RAC. In addition, HELCO requested that the Commission determine that the two 69 kV tie lines associated with the HELCO-owned Interconnection Facilities be constructed above the surface of the ground, pursuant to Hawaii Revised Statutes Section 269-27.6(a). HELCO served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate" or "CA").

By Order No. 21499, filed December 20, 2004, the Commission directed HELCO and the Consumer Advocate to submit a stipulated procedural schedule for the Commission's review and consideration by February 18, 2005 (sixty days from the date of

Order No. 21499).

HELCO 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

HELCO Application for Approval of RAC with Apollo	November 26, 2004
CA Information Requests ("IRs") to HELCO ¹	Jan. 19, 2005
HELCO IR Responses to CA ²	Jan. 27, 2005
Clarification Meeting	Feb. 7, 2005
CA Statement of Position ("SOP")	no later than Feb. 22, 2005
HELCO Reply to CA SOP, if necessary*	March 1, 2005

* If the CA objects to approval of the application, or requests that approval be subject to conditions.

If there are substantial disagreements following the filing of the CA SOP and HELCO's Reply to the CA SOP, 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

¹ Whenever possible, parties will provide copy of documents on diskette upon request.

hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

If HELCO determines that a Reply to the CA SOP is unnecessary, HELCO and the CA will notify the Commission that the proceeding is ready for decision making.

II.

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

A. Requests for Information

To the extent practical, HELCO 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 HELCO 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
HELCO	2 copies
Consumer Advocate	2 copies

2. Information Requests and Responses:

Commission	Original + 8 copies
HELCO	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, or 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 ____ day of _____, 2005.

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

CERTIFICATE OF SERVICE

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

THOMAS W. WILLIAMS, JR., ESQ.
PETER Y. KIKUTA, ESQ.
GOODSILL ANDERSON QUINN & STIFEL
Alii Place, Suite 1800
1099 Alakea Street
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WARREN H.W. LEE
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. Box 1027
Hilo, HI 96721-1027

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

Karen Higashi

DATED: _____

CERTIFICATE OF SERVICE


I hereby certify that I have this date served a copy of the foregoing Order No. 21566 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
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Karen Higashi

DATED: **JAN 27 2005**