

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Notice of)
HAWAIIAN ELECTRIC COMPANY, INC.)
To Modify its Rule 18, Net Energy)
Metering, and to Make Corresponding)
Changes to its Rule 14H.)
Transmittal No. 05-01.)

In the Matter of the Notice of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
To Modify its Rule 18, Net Energy)
Metering, and to Make Corresponding)
Changes to its Rule 14H.)
Transmittal No. 05-01H.)

In the Matter of the Notice of)
MAUI ELECTRIC COMPANY, LIMITED)
To Modify its Rule 18, Net Energy)
Metering, and to Make Corresponding)
Changes to its Rule 14H.)
Transmittal No. 05-01M.)

DOCKET NO. 05-0037

(CONSOLIDATED)

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

Karen Higashi

ORDER NO. 21642

Filed Feb. 8, 2005
At 2 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

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

2005 FEB -9 A 7:59

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Transmittal No. 05-01M.)

Docket No. 05-0037

Order No. **21642**

(Consolidated)

ORDER

The commission suspends for further review the three (3) virtually identical transmittals filed by HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), and MAUI ELECTRIC COMPANY, LIMITED ("MECO") (collectively, the "Utilities"), proposing certain changes to their respective net energy metering and interconnection tariff rules.

On January 18, 2005, three (3) transmittals were filed with the commission: HECO's Transmittal No. 05-01, HELCO's Transmittal No. 05-01H, and MECO's Transmittal No. 05-01M.

The Utilities seek commission approval to: (1) modify their respective Rule 18, Net Energy Metering ("Rule 18"); and (2) make corresponding changes to their respective Rule 14H, Interconnection of Distributed Generating Facilities Operating in Parallel with the Company's Electrical System ("Rule 14H").

In general, the Utilities state that their proposed amendments: (1) to Rules 18 and 14H are made in conformance with Act 99, 2004 Session Laws of Hawaii ("Act 99"), which took effect on June 2, 2004;¹ and (2) to Rule 18 are also in accord with Act 98, 2004 Session Laws of Hawaii ("Act 98"), which took effect on July 1, 2004.²

The Utilities make their requests in accordance with Hawaii Revised Statutes ("HRS") §§ 269-12(b) and 269-16(b) and Hawaii Administrative Rules ("HAR") § 6-61-111. In addition, they request an effective date of February 18, 2005, following the expiration of the thirty (30)-day notice period set forth in HRS § 269-16(b) and HAR § 6-61-111.³

¹Act 99 amends HRS chapter 269, part VI, governing net energy metering. Act 99 specifically amends HRS § 269-101 and 269-111, respectively.

²Act 98 amends HRS § 36-41, governing energy retrofit and performance contracting for public facilities. HRS chapter 36, in turn, governs the management, investment, and transfer of State of Hawaii funds.

³See also HRS § 269-12(b).

The Utilities served copies of their respective transmittals upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate")(collectively, the "Parties").

The Consumer Advocate recommends that the commission suspend all three (3) transmittals for a sixty (60)-day period, from the February 18, 2005 effective date, i.e., up to and including April 19, 2005.⁴ Based on its review, the Consumer Advocate notes that the new net energy metering agreements that are part of the proposed tariff changes contain certain inconsistencies that may create confusion.⁵ Thus, the Consumer Advocate requests "additional time to file discovery requests addressing the matters discussed above, review the responses to discovery and determine whether there remain any remaining concerns with the [Utilities'] transmittal filing[s]."⁶

The commission finds that all three (3) transmittals are substantively identical and involve the same or similar issues and facts. In the interests of administrative economy and efficiency, therefore, the commission, on its own motion, will consolidate all three (3) transmittals into a single docket, consistent with the intent and spirit of HAR § 6-61-39. Accordingly, on a going-forward basis, all future filings for

⁴Consumer Advocate's position statements requesting sixty (60)-day suspension, filed on February 3, 2005, for Transmittal Nos. 05-01, 05-01H, and 05-01M, respectively.

⁵See id., at 2 - 3.

⁶Id. at 4.

one (1) or more of the Utilities' transmittals shall be made in this docket.

The commission, moreover, finds it prudent to suspend the Utilities' transmittals in accordance with HRS § 269-16(b), for a period up to and including April 19, 2005. The commission, by this Order, does not open an investigation.⁷ Rather, the suspension is for further review by the commission and Consumer Advocate of the Utilities' respective transmittals. In this respect, the Parties have the option of submitting a stipulated procedural schedule for the commission's review and consideration, or absent a formal procedural schedule, ensure that the last filing in this docket, i.e., the Utilities' rebuttal statement, is filed no later than March 18, 2005.⁸

THE COMMISSION ORDERS:

1. Unless ordered otherwise, HECO's Transmittal No. 05-01, HELCO's Transmittal No. 05-01H, and MECO's Transmittal No. 05-01M, all filed on January 18, 2005, are suspended for a

⁷Hence, unless ordered otherwise, HAR § 6-61-57(3)(B) does not apply. HAR § 6-61-57(3)(B) states in part that a timely motion to intervene or participate shall be filed with the commission "[t]wenty days after the commission orders an investigation including an investigation of a tariff change or an initial tariff filing."

⁸The commission recognizes the Utilities' opportunity to timely respond to the Consumer Advocate's protest, prior to the proposed effective date (February 18, 2005) of their respective transmittals. See HAR § 6-61-61. Nonetheless, in this instance, the commission finds it prudent for the Parties to initiate the discovery process forthwith, without delay. The Utilities, as part of the forthcoming procedural schedule, will have the opportunity to respond to the Consumer Advocate's final position statement.

period up to and including April 19, 2005, for further review by the commission and Consumer Advocate.

2. Unless ordered otherwise, this Order does not open an investigation.

3. Within twenty-one (21) 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. Alternatively, in the absence of a formal procedural schedule, the Parties shall ensure that the last filing in this docket, i.e., the Utilities' rebuttal statement, is filed no later than March 18, 2005.

DONE at Honolulu, Hawaii FEB - 8 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

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21642 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DIVISION OF CONSUMER ADVOCACY
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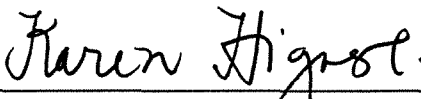
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Karen Higashi

DATED: FEB - 8 2005