BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC COMPANY, INC.
MAUI ELECTRIC COMPANY, LIMITED

DOCKET NO. 03-0276

For Approval of Recovery of 2004 IRP Planning Costs Through Each Company's IRP Cost Recovery Provision.

STIPULATED PREHEARING ORDER NO. 21759

Filed April 21, 2005
At 2:30 o'clock P.M.

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. 03-0276
MAUI ELECTRIC COMPANY, LIMITED

For Approval of Recovery of 2004 IRP
Planning Costs Through Each
Company’s IRP Cost Recovery Provision.

STIPULATED PREHEARING ORDER

Applicants Hawaiian Electric Company, Inc. ("HECO") and Maui Electric Company, Limited ("MECO), and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") hereby stipulate that the attached Stipulated Prehearing Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, April 12, 2005

WILLIAM A. BONNET
Vice President
Hawaiian Electric Company, Inc.
Maui Electric Company, Limited

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

HAWAIIAN ELECTRIC COMPANY, INC.
MAUI ELECTRIC COMPANY, LIMITED

DOCKET NO. 03-0276

For Approval of Recovery of 2004 IRP Planning Costs Through Each Company’s IRP Cost Recovery Provision.

STIPULATED PREHEARING ORDER

WHEREAS, on October 1, 2003, Hawaiian Electric Company, Inc. (“HECO”) and Maui Electric Company, Limited (“MECO”) (herein jointly referred to as “the Companies”), filed an application for approval of their respective budgets for 2004 IRP Planning Costs, and the subsequent recovery of these costs through the Companies’ respective IRP Cost Recovery Provision;

WHEREAS, by Order No. 21704 filed on March 24, 2005, the Commission directed the parties in this docket, i.e., HECO, MECO and the DIVISION OF CONSUMER ADVOCACY OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (the "Consumer Advocate"), to meet informally to formulate a stipulated prehearing order for submission to the Commission for approval;

WHEREAS, the Consumer Advocate does not object to the Commission’s approval of the Companies 2004 IRP Planning Costs budgets pending completion of the subsequent review of the actual costs in this docket;
WHEREAS, on March 31, 2005, the Companies filed their actual 2004 IRP Planning Costs;

WHEREAS, commencing in the month following the Commission’s issuance of this stipulated prehearing order, the Companies may begin collection, over a twelve month period, of the actual 2004 IRP Planning Costs, in order to minimize the accrual of interest\(^1\) on the deferred collection of the 2004 IRP Planning Costs pending the issuance of the Commission’s final Decision and Order in this proceeding;

WHEREAS, the Companies agree to perform a reconciliation of the amounts recovered with the actual 2004 IRP Planning Costs, and adjust any over/under collection in the following year, with interest at the applicable authorized rate of return;

WHEREAS, the Consumer Advocate reserves the right to perform a detailed analysis of the Companies actual 2004 IRP Planning Costs to determine its reasonableness and prudence, and to determine the appropriate amounts that should be recovered from the Companies respective customers; and

WHEREAS, the Companies agree to refund to their respective customers, with interest at the applicable authorized rate of return, any previously recovered 2004 IRP Planning Costs subsequently disallowed by the Commission in its final Decision and Order in this proceeding;

WHEREAS, the parties have reached agreement on prehearing procedural matters and submitted a stipulated prehearing order which is acceptable to all parties.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

\(^1\) Interest to be accrued at the applicable authorized rate of return.
I. STATEMENT OF THE ISSUES

The issues in this case are:

1. Whether the Companies 2004 IRP Planning Costs are reasonable and prudent, and incremental to the costs included in each Company’s respective base rates.

2. Whether the Companies’ 2004 IRP Planning costs are appropriate to be recovered through the Companies’ respective IRP Cost Recovery Provision.

II. SCHEDULE OF PROCEEDINGS

Companies filed their actual 2004 IRP Planning Costs March 31, 2005

Information Requests to the Companies May 9, 2005

Companies Responses to Information Requests June 6, 2005

Supplemental Information Requests to the Companies July 11, 2005

Companies Responses to Supplemental Information Requests August 8, 2005

Consumer Advocate Statement of Position October 10, 2005

Companies Response to Consumer Advocate Statement of Position October 31, 2005
III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Prehearing Order. 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. If the Parties are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the party to respond.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), 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 shall make the diskette or such electronic medium available to the other parties, and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheet will contain all cell references and formulae intact, and will not be converted to values prior to submission. A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part D, 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.

For each response to an information request, the responding party should identify the person who is responsible for preparing the response as well as the witnesses who will be responsible for sponsoring the response at the evidentiary hearing.

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 to some or all representatives of the party pursuant to a protective order.

A party seeking production of documents notwithstanding a party’s claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a
response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

B. Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record 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 Information Requests, Responses to Information Requests and Statements of Position

1. Information Requests, Responses to Information Requests, Statements of Position:

   Commission  Original + 8 copies
   HECO        2 copies
   Consumer Advocate  2 copies

2. All documents required to be filed with the Commission shall comply with the
formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and 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.

3. Copies of all filings should be sent to the Parties by hand delivery or United States mail (first class, postage prepaid). In addition, if available, all parties shall provide copies of their filings 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 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 must still be delivered to such party by hand delivery or United States mail (first class, postage prepaid) as provided in Parts F.1 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 Prehearing Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearing to prevent manifest injustice.

This Stipulated Prehearing Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Prehearing Order No. 21759 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
335 Merchant Street, Room 326
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WILLIAM A. BONNET
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DATED: APR 21 2005