

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of -----)
MAUI ELECTRIC COMPANY, LTD.)
Regarding Integrated Resource)
Planning.)
_____)

DOCKET NO. 99-0004

ORDER NO. 21995

Filed August 29, 2005
At 2:30 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

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

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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 -----))	
MAUI ELECTRIC COMPANY, LTD.)	Docket No. 99-0004
)	
Regarding Integrated Resource)	Order No. 21995
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_____)	

ORDER

By this Order, the commission dismisses HAWAII RENEWABLE ENERGY ALLIANCE's ("HREA") June 16, 2005 Request for Intervenor Funding as untimely.

I.

Background and Procedural History

On March 12, 1992, the commission established a framework for integrated resource planning ("IRP Framework"), and ordered all energy utilities including MAUI ELECTRIC COMPANY, INC. ("MECO") to, among other things, submit their integrated resource plans and program implementation schedules for commission approval in accordance with the IRP Framework.¹

¹Decision and Order No. 11523, filed on March 12, 1992, in Docket No. 6617 ("Decision and Order No. 11523") (as amended by Decision and Order No. 11630, filed on May 22, 1992, in Docket No. 6617).

On May 31, 2000, MECO filed its 2nd integrated resource plan ("IRP") and program implementation schedule ("Action Plans") for commission approval.²

By Order No. 17997, filed on August 29, 2000 ("Order No. 17997"), the commission directed HREA and other intervenors in this proceeding to submit a budget, pursuant to Decision and Order No. 16252, filed on March 19, 1998, in Docket No. 7257, within thirty (30) days from the date of Order No. 17997 if they intend to seek intervenor funding in this proceeding.

On October 27, 2000, HREA filed its Intervenor Funding Budget ("Budget") in accordance with Order No. 17997.³

On April 7, 2004, the commission issued Order No. 20884, which, among other things, approved the Parties' February 27, 2004 Stipulation in its entirety and closed the docket.

On June 16, 2005, HREA filed its Request for Intervenor Funding.

²By Decision and Order No. 14707, filed on May 29, 1996, in Docket No. 7258, the commission approved MECO's 1st IRP and Actions Plans. Besides MECO, the other parties in this proceeding consist of the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), LIFE OF THE LAND ("LOL") and HREA (collectively, MECO the Consumer Advocate, LOL and HREA hereinafter referred to as "Parties").

³On September 18, 2000, the commission approved HREA's request to extend the deadline for filing its Budget from September 28, 2000 to October 27, 2000.

II.

Discussion

Under the IRP Framework, established by the commission in 1992, the commission has the discretion to grant an intervenor recovery of all or part of the intervenor's direct out-of-pocket costs reasonably and necessarily incurred in intervention, provided certain requirements are met.⁴ As stated in Order No. 17997, one requirement is that an application or request for intervenor funding must be filed within twenty (20) days from the issuance of the commission's final order in the proceeding.⁵

In this proceeding, the final order (i.e., Order No. 20884) was issued on April 7, 2004. Thus, the deadline for an intervenor to file an application for intervenor funding was May 7, 2004.

Because HREA filed its Request for Intervenor Funding over a year after the May 7, 2004 deadline (on June 16, 2005), the commission finds that HREA's Request for Intervenor Funding is untimely. As emphasized in Decision and Order No. 11523, the "commission's [IRP Framework] makes no provision for deviations from the [IRP Framework] requirements."⁶ In addition, HREA did not seek an enlargement of time by which to

⁴See, Section III.E.4 of the IRP Framework.

⁵See, Section III.E.4.d. of the IRP Framework.

⁶See, Decision and Order No. 11523 at 11.

file its Request for Intervenor Funding under Hawaii Administrative Rules § 6-61-23.⁷

Based on the foregoing reasons, the commission concludes that HREA's June 16, 2005 Request for Intervenor Funding should be dismissed as untimely.

III.

Order

THE COMMISSION ORDERS that HREA's June 16, 2005 Request for Intervenor Funding is dismissed as untimely.

DONE at Honolulu, Hawaii AUG 29 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:

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

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⁷See, *In re Hawaiian Electric Company, Inc.*, Docket No. 05-0069, Order No. 21957 (August 3, 2005) at 5-6, (dismissing as untimely a request by the County of Kaua'i to intervene and noting that the County of Kaua'i did not seek an enlargement of time in that matter).

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21995 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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Certificate of Service - Continued

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Karen Higashi

DATED: AUG 29 2005