

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of

HAWAII ELECTRIC LIGHT COMPANY, INC.

DOCKET NO. 05-0321

For Approval of a contract between HELCO and the Army for the acquisition and upgrade of the Army's Pohakuloa Training Area and Kilauea Military Camp (Island of Hawaii) electrical distribution systems, approval of a pole attachment and duct use agreement, approval of an interim billing arrangement with the Army, approval of waiver of Rule 14, and approval of an interim order for waiver of Rule 14.

STIPULATED PROCEDURAL ORDER NO. 22323

Filed March 15, 2006

At 10 o'clock A.M.

Karen Higrot.

Chief Clerk of the Commission

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

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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, March 9, 2006.

  
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

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STIPULATED PROCEDURAL ORDER

On December 20, 2005, Hawaii Electric Light Company, Inc. ("HELCO") filed an application requesting Commission approval of (1) a contract between HELCO and the United States Army ("Army") for the acquisition and upgrade of the Army's Pohakuloa Training Area ("PTA") and Kilauea Military Camp ("KMC") electrical distribution systems, (2) a pole attachment and duct use agreement between HELCO and the Army, (3) an interim billing arrangement with the Army, (4) a waiver of HELCO's Tariff Rule No. 14, and (5) an interim order for waiver of HELCO's Rule No. 14. HELCO served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate").

By Order No. 22215, filed January 11, 2006, the Commission ordered HELCO and

the Consumer Advocate to submit a stipulated procedural schedule for the Commission's consideration and approval by February 27, 2006 (forty-five days from the date of Order No. 22215).<sup>1</sup>

On January 11, 2006, the Consumer Advocate filed a Preliminary Statement of Position ("PSOP") in which it stated that it is unable to presently state its position on the merits of the requested relief contained in the application and whether the Commission should approve the application. The PSOP also stated that the Consumer Advocate intends to issue information requests shortly to aid in its assessment of HELCO's Application. In addition, the Consumer Advocate did not object to Commission approval of HELCO's request for a waiver of Rule 14 for the service connection work in the subject Application.

On January 17, 2006, the Commission issued Interim Order No. 22229, approving HELCO's request for a waiver of HELCO's Tariff Rule 14(A)(2)(a), allowing HELCO to pay for a portion of the service connection costs normally paid for by the customer, and to start the service connection work as soon as possible, as requested by the United States Army.

On February 1, 2006, the Commission issued information requests to HELCO.

On February 15, 2006, HELCO responded to the Commission's information requests.

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<sup>1</sup> Forty-five days after January 11, 2006 is Saturday, February 25, 2006. Monday, February 27, 2006 is the next business day.

On February 17, 2006, HELCO submitted the workpapers for the updated revenue requirements analysis (Exhibit N to the application).

On February 27, 2006, HELCO and the Consumer Advocate requested an extension until March 13, 2006, to submit a stipulated procedural schedule.

By letter dated March 1, 2006, the Commission granted the extension request to submit the stipulated procedural schedule.

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 PTA/KMC	December 20, 2005
Consumer Advocate Preliminary Statement of Position	January 11, 2006
Consumer Advocate Information Requests ("IRs") to HELCO <sup>2</sup>	March 8, 2006
HELCO IR Responses to Consumer Advocate <sup>2</sup>	April 13, 2006
Consumer Advocate Supplemental IRs ("SIRs") <sup>2</sup> , if necessary	May 9, 2006
HELCO Responses to SIRs <sup>2</sup>	May 30, 2006

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<sup>2</sup> Whenever possible, parties will provide copy of documents on diskette upon request.

Consumer Advocate Statement of Position ("SOP")      June 20, 2006

HELCO SOP, if necessary\*

July 11, 2006

- \* If the Consumer Advocate objects to approval of the application, or requests that approval be subject to conditions.

If there are substantial disagreements following the filing of the SOPs, 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.

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

The parties acknowledge that under Section 6-80-78(c) of the Hawaii Administrative Rules, Title 6, Chapter 80 (Competition in Telecommunications Services), the Commission's 90-day period to act upon the pole attachment and duct use agreement between HELCO and the Army (the "Pole/Duct Agreement"),<sup>3</sup> and render a Decision and Order expires on March 20, 2006. Given the schedule agreed to by the parties, HELCO requests an extension of the 90-day period for the Commission to act upon the Pole/Duct Agreement until 30 days after HELCO provides notice that the proceeding is ready for decision making (and HELCO does not file a Reply SOP) or 30 days after HELCO files its Reply SOP. Such request is subject to Commission approval.

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<sup>3</sup> The Pole/Duct Agreement is a part of the subject application for which HELCO is seeking Commission approval.

If the parties propose a hearing schedule (because there are substantial disagreements following the filing of the SOPs, and the parties cannot resolve the differences by stipulation and the parties do not waive the right to a hearing), HELCO requests an extension of the 90 day period for the Commission to act upon the Pole/Duct Agreement until 45 days after the submittal of post-hearing briefs. Such request is subject to Commission approval.

## 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 15<sup>th</sup> day of March, 2006.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

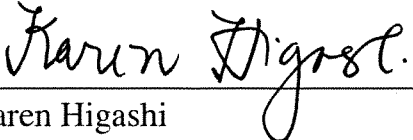
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated  
Procedural Order No. 22323 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

WILLIAM A. BONNET  
VICE PRESIDENT, GOVERNMENT AND COMMUNITY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P. O. Box 2750  
Honolulu, HI 96840-0001

DEAN MATSUURA  
DIRECTOR, REGULATORY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
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Karen Higashi

DATED: MAR 15 2006