

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN ELECTRIC COMPANY, INC.)
Regarding Integrated Resource)
Planning.)
_____)

DOCKET NO. 03-0253

ORDER NO. 22374

Filed April 6, 2006
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))	
HAWAIIAN ELECTRIC COMPANY, INC.)	Docket No. 03-0253
Regarding Integrated Resource)	Order No. 22374
Planning.)	
_____)	

ORDER

By this Order, the commission provides LIFE OF THE LAND ("LOL") an opportunity to supplement its Motion to Intervene, filed on October 1, 2004, and HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") an opportunity to respond to LOL's supplemented Motion to Intervene.

I.

Background

On October 1, 2004, LOL filed a Motion to Intervene in the instant proceeding.¹ On October 11, 2004, HECO timely filed a Memorandum in Response to LOL's Motion to Intervene, requesting, due to the premature nature of LOL's filing, that the commission dismiss without prejudice LOL's Motion to Intervene and allow LOL to re-file a motion to intervene in a timely manner following the filing of HECO's third Integrated Resource Planning

¹[LOL's] Motion to Intervene and Certificate of Service ("Motion to Intervene"), filed on October 1, 2004.

("IRP") plan.² On October 28, 2005, HECO filed its IRP report in compliance with the commission's IRP Framework, as set forth in Decision and Order No. 11630, in Docket No. 6617, issued on May 22, 1992.

II.

Discussion

The commission's IRP Framework, Section III.E.3.c. provides:

Applications to intervene or participate without intervention in any proceeding in which a utility seeks commission approval of its integrated resource plan are subject to the rules prescribed in part IV of the commission's General Order No. 1 (Practice and Procedure before the Public Utilities Commission); except that such applications may be filed with the commission not later than 20 days after the publication by the utility of a notice informing the general public of the filing of the utility's application for commission approval of its integrated resource plan, notwithstanding the opening of the docket before such publication.

In its Memorandum in Response, HECO asserts that LOL's Motion to Intervene was filed prematurely, and notes that LOL indicated that it "will probably be opposing at least some parts of [HECO's] filing."³ HECO argues that since LOL's Motion to Intervene was prematurely filed, it is also premature for HECO to respond to LOL's concerns.

²Memorandum in Response to the [LOL's] Motion to Intervene and Certificate of Service ("Memorandum in Response"), filed on October 11, 2004. That same day, HECO's counsel, Thomas W. Williams, Jr. and Peter Y. Kikuta filed their Appearance of Counsel and Certificate of Service.

³Memorandum in Response at 2, citing Motion to Intervene at section 9.

Upon review of LOL's Motion to Intervene and HECO's response thereto, the commission finds that to act on LOL's Motion to Intervene, additional information is necessary. Accordingly, since LOL's Motion to Intervene does not address the IRP plan filed by HECO on October 28, 2005, the commission will provide LOL with twenty days from the filing of this Order to supplement its Motion to Intervene and address the criteria set forth in Hawaii Administrative Rules ("HAR") § 6-61-55 as they relate to HECO's third IRP plan.⁴ The commission will also provide HECO with an opportunity to respond to LOL's supplemented Motion to Intervene. Such response shall be filed within five days of the service of the Motion to Intervene, pursuant to HAR §§ 6-61-41(b).⁵

III.

Orders

THE COMMISSION ORDERS:

1. LOL shall supplement its Motion to Intervene to address HECO's third IRP report, filed on October 28, 2005. Such supplement shall comport with HAR § 6-61-55 and be filed within twenty days of the filing of this Order.


⁴HAR § 6-61-21(e) provides two additional days "[w]henever a party has the right to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon the party and the notice or document is served upon the party by mail"

⁵HECO shall similarly have two additional days to respond to LOL's supplement to its Motion to Intervene, pursuant to HAR § 6-61-21(e), if applicable.

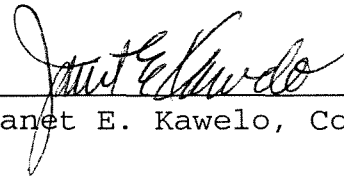
2. HECO shall have five days from the service of LOL's supplement to its Motion to Intervene to respond to such supplement.

DONE at Honolulu, Hawaii APR - 6 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:


Catherine P. Awakuni
Commission Counsel

03-0253.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22374 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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Karen Higashi

DATED: APR - 6 2006