

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KAUAI ISLAND UTILITY COOPERATIVE)
For Approval of Changes to its)
Tariff, Net Energy Metering.)
Transmittal No. 06-01.)

DOCKET NO. 2006-0134

ORDER NO. 23087

Filed Nov. 28, 2006
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

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

K. Higashi

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In the Matter of the Application of)
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_____)

Docket No. 2006-0134
Order No. 23087

ORDER

By this Order, the commission approves KAUAI ISLAND UTILITY COOPERATIVE's ("KIUC") request to modify the Stipulated Regulatory Schedule to include March 1, 2007, as the deadline for KIUC to file its proposed Net Energy Metering tariff, as revised, for the commission's review and approval.¹

I.

Background

On April 25, 2006, KIUC filed its Transmittal No. 06-01, proposing to revise its current Net Energy Metering tariff, by incorporating certain changes to the Net Energy Metering Law (codified at HRS chapter 269, part VI) promulgated by Act 99, 2004 Session Laws of Hawaii, and Act 104, 2005

¹The Parties are KIUC and the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

Session Laws of Hawaii.² On May 18, 2006, the commission suspended KIUC's transmittal and opened an investigation to provide further opportunity to review KIUC's proposal.³ On August 2, 2006, the commission issued Order No. 22666, adopting with certain modifications, the Stipulated Procedural Order proposed by the Parties.⁴

On November 9, 2006, the Consumer Advocate filed its Statement of Position, informing the commission that it does not object to the commission's approval of KIUC's transmittal, subject to certain revisions. On November 21, 2006, KIUC filed its Reply Statement of Position, stating that it does not object to the Consumer Advocate's proposed revisions to Transmittal No. 06-01, asserting that the proposed revisions are reasonable under the circumstances. KIUC proposes to confer with the Consumer Advocate to develop the joint revisions, and file by March 1, 2007, its proposed Net Energy Metering tariff, as revised, for the commission's review and approval.

²KIUC's Transmittal No. 06-01; Exhibits 1 - 3; Verification; and Certificate of Service, filed on April 25, 2006 (collectively, "Transmittal No. 06-01").

³Order No. 22475, filed on May 18, 2006.

⁴Order No. 22666; Exhibit 1; and Exhibit A, filed on August 2, 2006. The Stipulated Regulatory Schedule, attached as Exhibit A to Order No. 22666, sets forth the deadline dates for the Consumer Advocate and KIUC to file their respective statements of position. On October 30, 2006, the commission approved the Consumer Advocate's request to extend the deadlines for the Parties to file their respective statements of position. See Commission letter, dated October 30, 2006.

II.

Modification to the Stipulated Regulatory Schedule

Page 3 of Order No. 22666 provides in respective part:

II.

SCHEDULE OF PROCEEDINGS

The parties shall adhere to the schedule of proceedings set forth in the Stipulated Regulatory Schedule attached hereto as Exhibit 'A.' Notwithstanding the above, the parties may amend the Stipulated Regulatory Schedule as may be agreed in writing from time to time; provided that the requesting party or parties receive the commission's approval in accordance with HAR § 6-61-23, to the extent applicable

III.

GENERAL

The foregoing procedures shall be applied in a manner consistent with the orderly conduct of this docket.

This Stipulated Procedural Order shall control the subsequent course of these proceedings, unless modified by the parties in writing and approved by the commission, or upon the commission's own motion

Order No. 22666, at 3.

The Consumer Advocate, in its Statement of Position, describes in concept its proposed revisions to KIUC's transmittal, without providing any specific amendatory language, leaving it instead to KIUC to draft the particular language. KIUC, in response, agrees to confer with the Consumer Advocate in jointly developing the amendatory language to incorporate the Consumer Advocate's proposed revisions, and submit its proposed Net Energy Metering tariff, as revised, by March 1, 2007, for the commission's review and approval. KIUC concludes that its

proposed modification to the Stipulated Regulatory Schedule, as amended, to incorporate the filing of its proposed Net Energy Metering tariff, as revised, by March 1, 2007, is intended to expedite the commission's review and approval process governing Transmittal No. 06-01.

Based on KIUC's representations, the commission finds good cause to approve KIUC's request to modify the Stipulated Regulatory Schedule, as amended. Accordingly, the Stipulated Regulatory Schedule is modified to include March 1, 2007, as the deadline for KIUC to file its proposed Net Energy Metering tariff, as revised, for the commission's review and approval.

III.


Orders

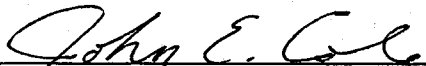
THE COMMISSION ORDERS:

1. KIUC's request to modify the Stipulated Regulatory Schedule, as amended, is approved.
2. By March 1, 2007, KIUC shall file its proposed Net Energy Metering tariff, as revised, for the commission's review and approval.


DONE at Honolulu, Hawaii NOV 28 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

2006-0134.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23087 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: NOV 28 2006