

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.) DOCKET NO. 2007-0014
For Approval to Provide Renewable Resource)
Power to Support technology validation)
of a Hydrogen Fueling System by Hawaii)
Natural Energy Institute at the Hawaii)
Hydrogen Power Park in the Hawaii Gateway)
Energy Center located at The Natural Energy)
Laboratory Hawaii Authority Campus)

STIPULATED PROCEDURAL ORDER NO. 23356

Filed April 11, 2007

At 1:30 o'clock P.M.

Bruce K. Kane
for Chief Clerk of the Commission

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

2007 APR 12 A 8:48

RECEIVED

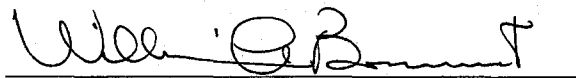
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

| | | |
|---|---|----------------------|
| In the Matter of the Application of |) | |
| |) | |
| HAWAII ELECTRIC LIGHT COMPANY, INC. |) | DOCKET NO. 2007-0014 |
| |) | |
| For Approval to Provide Renewable Resource |) | |
| Power to Support technology validation |) | |
| of a Hydrogen Fueling System by Hawaii |) | |
| Natural Energy Institute at the Hawaii |) | |
| Hydrogen Power Park in the Hawaii Gateway |) | |
| Energy Center located at The Natural Energy |) | |
| Laboratory Hawaii Authority Campus |) | |
| _____ |) | |


STIPULATED PROCEDURAL ORDER

Applicant Hawaii Electric Light Company, Inc. ("HELCO") and the Division of Consumer Advocacy ("Consumer Advocate") hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, April 2, 2007.



WILLIAM A. BONNET
Vice President
Hawaii Electric Light Company, Inc.



CATHERINE P. AWAKUNI
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 |) | |
| |) | |
| HAWAII ELECTRIC LIGHT COMPANY, INC. |) | DOCKET NO. 2007-0014 |
| |) | |
| For Approval to Provide Renewable Resource |) | |
| Power to Support technology validation |) | |
| of a Hydrogen Fueling System by Hawaii |) | |
| Natural Energy Institute at the Hawaii |) | |
| Hydrogen Power Park in the Hawaii Gateway |) | |
| Energy Center located at The Natural Energy |) | |
| Laboratory Hawaii Authority Campus |) | |
| <hr/> |) | |

STIPULATED PROCEDURAL ORDER

WHEREAS, on January 16, 2007, the Hawaii Electric Light Company, Inc. ("HELCO") filed an application with the Public Utilities Commission ("Commission") requesting approval to provide renewable resource power at a reduced rate, for a limited period of time, to support technology validation of a hydrogen fueling system by Hawaii Natural Energy Institute ("HNEI") at the Hawaii Hydrogen Power Park in the Hawaii Gateway Energy Center located at the Natural Energy Laboratory Hawaii Authority ("NELHA") campus on the island of Hawaii.

WHEREAS, by Order No. 23264, filed February 15, 2007, the Commission directed the parties in this docket, i.e., HELCO and the Division of Consumer Advocacy ("Consumer Advocate"), to submit a stipulated procedural schedule for the Commission's review and consideration within thirty (30) days from the date of Order No 23264 (i.e., March 19, 2007).

WHEREAS, by letter dated March 19, 2007, HELCO requests an extension, until April 19, 2007, for the parties to file a stipulated procedural schedule.

WHEREAS, the Parties have reached agreement on the procedural matters and submit this Stipulated Procedural Order which is acceptable to both parties.

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

I. STATEMENT OF THE ISSUES

The issues in this case are:

1. Whether the Agreement between HELCO and HNEI is reasonable.
2. Whether the proposed reduced rate for the four year project term of the Agreement between HELCO and HNEI is reasonable.

II. SCHEDULE OF PROCEEDINGS

| | |
|---|--------------------|
| HELCO Submission of Executed Contract with HNEI | July 2, 2007 |
| Information Request to HELCO | July 26, 2007 |
| HELCO Responses to Information Requests | August 16, 2007 |
| Supplemental Information Requests to HELCO | August 30, 2007 |
| HELCO Responses to Supplement Information Requests | September 20, 2007 |
| Consumer Advocate Statement of Position | October 18, 2007 |
| HELCO Response To Consumer Advocate Statement of Position | November 15, 2007 |

Following HELCO's Response to the Consumer Advocate's Statement of Position, the parties will meet informally to attempt to reach a stipulation on issues where there is agreement and/or partial agreement, and/or establish additional procedural steps, as required. The establishment of additional procedural steps will be subject to Commission approval. If pursuant to the establishment of additional procedural steps the parties request that the Commission conduct an evidentiary hearing in this proceeding, then the parties will designate a witness that shall 1) be responsible for sponsoring the information contained in each section of their respective Statement of Position or Reply Statement of Position, and 2) be available for cross examination. Matters related to Witnesses and Order of Examination at the Evidentiary Hearing will be established at a later date, if applicable.

The Parties shall adhere to the schedule of proceedings set forth in the Stipulated Regulatory Schedule. 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 Hawaii Administrative Rules ("HAR") § 6-61-23, to the extent applicable.

The intent of the Parties in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

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 Procedural Order. To the extent practical, the Parties 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. 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 spreadsheets will contain all formulae intact, and will not be entirely 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 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.¹ 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

¹ As practical, each Party will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such Parties designated by the requesting Parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting Party.

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 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.

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.

Generally, exhibits should include appropriate footnotes, or narratives inserted in the related document, setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

B. Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that the Hawaiian Electric Companies have 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 Testimony, Exhibits and Information Requests

1. Copies of Filings, Information Requests, Responses to Information Requests, Statement of Position:

| | |
|-----------------------------|---------------------|
| Public Utilities Commission | Original + 8 copies |
| Consumer Advocate | 2 copies |
| HELCO | 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, information requests and information request responses 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, information requests and information request responses to the other parties via CD or e-mail in a standard electronic format that is readily available by the Parties. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain formulae intact, and will not be entirely converted to values prior to submission. 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 CD 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 United States mail (first class, postage prepaid) as provided 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 Parties. All motions, supporting memoranda, and the like shall also be served on opposing counsel, if any.


E. General

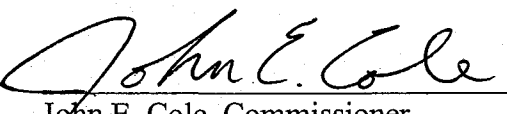
These procedures are consistent with the orderly conduct of this docket. This Stipulated Procedural Order shall control the subsequent course of these proceedings, unless modified by the Parties in writing and approved by the commission, or upon the commission's own motion.

This Stipulated Procedural 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.


DONE at Honolulu, Hawaii, APR 11 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:

By 
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. 23356 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

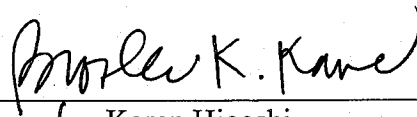
CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, Hawaii 96809

WARREN H.W. LEE
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

DEAN K. MATSUURA
DIRECTOR, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, Hawaii 96840-0001

THOMAS W. WILLIAMS, JR., ESQ
PETER Y. KIKUTA, ESQ.
GOODSILL ANDERSON QUINN & STIFEL
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, Hawaii 96813

Counsel for HELCO



for Karen Higashi

DATED: APR 11 2007