BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----In the Matter of----

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding Under
Hawaii's Net Energy Metering
Law, Hawaii Revised Statutes
§§ 269-101 - 269-111, to
Investigate Increasing: (1) the
Maximum Capacity of Eligible
Customer-Generators to More Than
Fifty Kilowatts; and (2) the
Total Rated Generating Capacity
Produced by Eligible Customer-
Generators to an Amount Above
0.5 Percent of Peak Demand

ORDER NO. 23618

Filed August 30, 2007
At 9 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
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Docket No. 2006-0084
Order No. 23618

ORDER

By this Order, the commission approves the
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF
CONSUMER ADVOCACY's ("Consumer Advocate") request, on behalf of
the Parties in this docket,¹ to amend the Revised Stipulated
Regulatory Schedule governing this proceeding.

¹The commission named, as original parties to this
proceeding, HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC
LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, KAUAI ISLAND
UTILITY COOPERATIVE, and the Consumer Advocate. See
Order No. 22380, filed on April 10, 2006. By Order No. 22535,
filed June 15, 2006, the commission granted intervention to
HAWAII RENEWABLE ENERGY ALLIANCE ("HREA") and HAWAII SOLAR ENERGY
ASSOCIATION ("HSEA"), and participation without intervention to
ZERO EMISSIONS LEASING LLC ("Zero Emissions"). The original
parties, as well as HREA and HSEA, are hereinafter referred to as
the "Parties," and Zero Emissions is referred to as the
"Participant."
I.

Request to Amend Revised Stipulated Regulatory Schedule

By Order No. 23441, filed on May 17, 2007, the commission approved the Parties’ and Participant’s Revised Stipulated Regulatory Schedule. Thereafter, the Consumer Advocate, on behalf of the Parties, requested two extensions of time to file Statements of Position, Simultaneous Information Requests to the Parties on their Statements of Position, and Simultaneous Responses to Information Requests filed by the Parties on their Statements of Position. The extension requests were based on the Parties’ and Participant’s stated desire to hold a collective settlement discussion to attempt to reach agreement and resolve all or as many of the issues in this proceeding as possible. Both extension requests were approved by the commission in Order Nos. 23524 and 23553, filed on June 29, 2007 and July 20, 2007, respectively.

By letter dated and filed on August 13, 2007, the Consumer Advocate, on behalf of the Parties, represented that, “[i]n light of the productive technical and settlement meetings attended by the Parties and Participant, which facilitated further understanding of each other’s positions, discovery is now unnecessary.” Accordingly, the Consumer Advocate requested that

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2In Order No. 23553, the commission granted the Parties’ extension request and also established a deadline of October 1, 2007 for the Parties to submit a joint settlement letter to the commission, if any.

the following procedural steps be removed from the Revised Stipulated Regulatory Schedule:

<table>
<thead>
<tr>
<th>PROCEDURAL STEPS TO BE REMOVED</th>
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<tbody>
<tr>
<td>Simultaneous Replies to Statements of Position</td>
<td>August 13, 2007</td>
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In addition, the Consumer Advocate requested that the Parties be allowed to file: (1) either a stipulated settlement letter or a statement of position on the deadline established for the filing of statements of position (i.e., September 17, 2007); and (2) final and/or reply statements of position (by the Parties and Participant) on October 1, 2007.

By letter dated and filed on August 20, 2007, Participant objected to the Parties' August 13, 2007 extension request. Participant argued that granting the extension and eliminating the discovery deadlines from the procedural schedule would deprive the commission of a complete factual record. Participant also objected to the Parties' alleged failure to
provide notice to Participant of the extension request and obtain Participant’s agreement in such extension request.\footnote{Pursuant to Order No. 22884, filed on September 21, 2006, “the agreement of the Participant shall only be required when the filing dates for the Preliminary Statements of Position, Statements of Position, and Replies to Statements of Position are amended.”}

The commission will treat the Consumer Advocate’s August 13, 2007 letter as a motion for an extension of time ("Motion") under Hawaii Administrative Rules ("HAR") §§ 6-61-23 and 6-61-41. HAR § 6-61-23(a)(1) allows the commission to enlarge a period by which a required act must be completed upon a showing of good cause provided that a written request is made before the expiration of the period originally prescribed.

After reviewing the entire record, and based on the representations in the Consumer Advocate’s letter, the commission finds the proposed revisions to the Revised Stipulated Regulatory Schedule to be reasonable. The commission notes the Participant’s objections to the Motion, but finds that the commission would not be deprived of a complete factual record by granting the Motion, and indeed, may issue information requests to the Parties and Participant if it determines the record to be incomplete.\footnote{The Parties are nevertheless reminded that, if a settlement is reached, they should provide the commission with sufficient information regarding the basis of the settlement so that the commission can adequately assess the reasonableness and fairness of the settlement.} In addition, the commission finds that Participant will not be prejudiced since the commission’s granting of the Motion will not result in the extension of any deadlines, but rather, the removal of certain procedural steps in which
Participant has no right to participate. Participant has, moreover, already filed its Preliminary Statement of Position and Statement of Position, and will still have an opportunity to file a Reply Statement of Position on October 1, 2007. Accordingly, the commission grants the Motion and approves the Parties’ request to remove the procedural steps noted above from the procedural schedule in this docket, leaving the following remaining procedural steps in this docket:

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<td>Panel Hearing</td>
<td>Week of October 22, 2007</td>
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<td>4 weeks after transcript completed and filed with the commission</td>
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II.

Orders

THE COMMISSION ORDERS:

1. The Consumer Advocate’s Motion, on behalf of the Parties, to amend the Revised Stipulated Regulatory Schedule, is approved.
2. The following procedural steps are removed from the Revised Stipulated Regulatory Schedule:

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3. The following procedural steps shall govern the remainder of this proceeding:

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DONE at Honolulu, Hawaii  

APPROVED AS TO FORM:

Kaiulani Kidani Shinsato
Commission Counsel

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By John E. Cole, Commissioner

By Leslie H. Kondo, Commissioner

2006-0084
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23618 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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DATED: AUG 30 2007