

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ELECTRIC COMPANY, INC.)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
)
For Approval of a Request for)
Waiver From the Competitive Bidding)
Framework.)
_____)

DOCKET NO. 2008-0091

ORDER AMENDING PROTECTIVE ORDER

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

PUBLIC UTILITIES
COMMISSION

2008 OCT 21 A 10:55

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
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 HAWAIIAN ELECTRIC COMPANY, INC.)
 HAWAII ELECTRIC LIGHT COMPANY, INC.)
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Docket No. 2008-0091

ORDER AMENDING PROTECTIVE ORDER

By this Order, the commission, on its own motion, amends the Protective Order issued on July 9, 2008.¹

I.

Amendments to Protective Order

The commission recently issued its Protective Order in In re Hawaii Elec. Light Co., Inc., Docket No. 2008-0186 ("Docket No. 2008-0186"), which modified Paragraphs No. 4 and No. 6 of the protective order proposed by the parties therein, i.e., HECO and the Consumer Advocate.²

¹The Parties are HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), 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 § 269-51 and Hawaii Administrative Rules § 6-61-62(a).

²The Protective Order approved by the commission in Docket No. 2008-0186:

1. Removed the following sentence from Paragraph No. 4:

Paragraph No. 27 of the Protective Order issued by the commission on July 9, 2008 in this docket (Docket No. 2008-0091) states that "[t]he Commission may modify this protective order on the motion of any party, or on its own motion, upon reasonable notice to the parties and an opportunity for hearing, or if modified by the parties in writing and approved by the Commission." In accordance with Paragraph No. 27 of the Protective Order, the commission, by letter dated September 30, 2008, notified the Parties of its intent to modify Paragraphs No. 4 and No. 6 of the Protective Order to read as follows:

4. Any party may designate as confidential any information it believes, in good faith, contains trade secrets or other confidential research, development, commercial, financial, vendor, bid, or non-public information, or confidential information regarding proposed generation projects. Such information shall be protected against disclosure to a non-qualified person pursuant to the terms of this protective order,

In addition, a party may designate certain information as being confidential and reserve distribution to another specified party (not including the Consumer Advocate) by notifying the Commission, the Consumer Advocate, and the other parties in writing, setting forth with particularity the information to be kept confidential and not available to the other party. With respect to such confidential information, the party to whom such information is being withheld shall be treated as a non-qualified person from whom such information shall be protected against disclosure to in accordance with the terms of this protective order.

2. Removed the following related partial sentence from Paragraph No. 6:

. . . and the party shall, if applicable, reserve distribution to another specified party and set forth in particularity the information to be kept confidential and not available to the other party.

unless such information is declassified, or permission to disclose the information to such non-qualified person is granted by the party claiming confidentiality, as provided in paragraph 13 below.

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6. Confidential information provided to the Commission, the Consumer Advocate, or the other parties, orally or in any other form, shall be protected as fully as confidential information provided in written form. A party shall notify the Commission, the Consumer Advocate, and the other parties when information provided orally or in other than written form includes confidential information. At the time of such notification, a party shall, in the manner provided in paragraph 5 above, specify the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information.

Commission's letter, dated September 30, 2008, at 2.

The Parties were instructed to "notify the Commission in writing by October 10, 2008, if you request an opportunity to be heard on the proposed modifications to the Protective Order. Otherwise, an amended Protective Order that incorporates the modifications will be issued by the Commission, without a hearing."³

No requests or comments were submitted by HECO, HELCO, or the Consumer Advocate. Accordingly, pursuant to its letter dated September 30, 2008,⁴ the commission hereby modifies Paragraphs No. 4 and No. 6 of its Protective Order.

³Commission's letter, dated September 30, 2008, at 2.

⁴See also Docket No. 2008-0186, Protective Order.

II.

ORDER

THE COMMISSION ORDERS:

Paragraphs No. 4 and No. 6 of the Protective Order issued on July 9, 2008 are modified to read as follows:

4. Any party may designate as confidential any information it believes, in good faith, contains trade secrets or other confidential research, development, commercial, financial, vendor, bid, or non-public information, or confidential information regarding proposed generation projects. Such information shall be protected against disclosure to a non-qualified person pursuant to the terms of this protective order, unless such information is declassified, or permission to disclose the information to such non-qualified person is granted by the party claiming confidentiality, as provided in paragraph 13 below.


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6. Confidential information provided to the Commission, the Consumer Advocate, or the other parties, orally or in any other form, shall be protected as fully as confidential information provided in written form. A party shall notify the Commission, the Consumer Advocate, and the other parties when information provided orally or in other than written form includes confidential information. At the time of such notification, a party shall, in the manner provided in paragraph 5 above, specify the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information.


DONE at Honolulu, Hawaii

OCT 21 2008

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:



Michael Azama
Commission Counsel

2008-0091.000

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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