

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
PUBLIC UTILITIES COMMISSION) DOCKET NO. 2007-0008
)
Instituting a Proceeding To)
Examine Hawaii's Renewable)
Portfolio Standards Law, Hawaii)
Revised Statutes §§ 269-91 -)
269-95, as Amended by Act 162,)
Session Laws of Hawaii 2006.)
_____)

ORDER NO. 24015

Filed Feb. 6, 2008
At 12 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

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

Karen Higashi.

RECEIVED

2008 FEB -7 A 8:00

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269-95, as Amended by Act 162,)	
Session Laws of Hawaii 2006.)	
_____)	

ORDER

By this Order, the commission approves in part the request by KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"), on behalf of the parties in this docket,¹ for an extension of time to file supplemental briefs and reply briefs, in accordance with Decision and Order No. 23912, filed on December 20, 2007.

I.

Request to Amend Procedural Schedule

Pursuant to Decision and Order No. 23912, filed on December 20, 2007, the Parties were to file supplemental briefs and reply briefs on the following three issues relating to penalties:

¹The parties in this docket are: KIUC, HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, LIFE OF THE LAND, and HAWAII RENEWABLE ENERGY ALLIANCE (collectively, "Parties").

1. What is a reasonable range of penalties (in \$/MWh) to include in the Framework that the commission may use when assessing how much, if any, an electric utility should be penalized for failing to meet the RPS?
2. If an electric utility is required to pay penalties for non-compliance with the RPS, where should the penalties be paid (i.e., to a special fund or to the State of Hawaii)?
3. Should the commission expressly prohibit electric utilities from recovering costs of any penalties for non-compliance with the RPS through electric rates?

The commission directed the Parties to file supplemental briefs by January 31, 2008, and reply briefs by February 15, 2008. However, notwithstanding Decision and Order No. 23912, KIUC requested a 90-day extension of time, from January 31, 2008 to April 30, 2008, for the Parties to file supplemental briefs, and an extension from February 15, 2008 to May 15, 2008, for the Parties to file reply briefs.

In support of its request, KIUC explained:

Throughout this proceeding, it has been KIUC's position that specific penalties should be established only on a case-by-case basis, and that it would be difficult to establish specific penalties to an RPS failure that may occur over ten years following the establishment of the Framework. . . . Because KIUC's position was that penalties should not be established at this time, KIUC has not gone so far as to review or analyze the above three issues set forth by the Commission for supplementing [sic] briefing. KIUC, as such, needs additional time to fully analyze and address each of these issues and to formulate its position on these matters to be set forth in its supplemental brief. In doing so, KIUC notes that, based on its preliminary research, while some states impose penalties on RPS non-compliance, other states do not.

In addition, KIUC understands that in some of the states that do impose penalties for RPS non-compliance, these penalties are imposed on only investor-owned utilities and not electric cooperatives. In that connection, KIUC has been researching and utilizing its cooperative resources (e.g., National Rural Electric Cooperative Association) to assist them in the analysis of the reasons provided by various states in deciding whether or not to impose fixed penalties, as well as how these issues should be addressed from a cooperative perspective.²

KIUC further represented that, when it contacted the other Parties to inquire whether they had any objections to KIUC's extension request, the other Parties did not object; however, they indicated that they also desired the same extension of time to conduct their own analyses for their supplemental briefs.

The commission will treat KIUC's January 29, 2008 letter as a motion for an extension of time notwithstanding the requirements of Decision and Order No. 23912 ("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 KIUC's letter, the commission grants the Motion and approves KIUC's request in part for an extension of time. However, the commission finds that the requested 90-day extension is excessive and a 45-day extension is more reasonable

²Letter dated and filed on January 29, 2008, from KIUC to the commission, at 2.

in this instance, given that the Parties were already allowed over one month to prepare their supplemental briefs. Accordingly, the Parties' supplemental briefs will now be due on March 17, 2008, and reply briefs will now be due on April 1, 2008.

II.

Orders

THE COMMISSION ORDERS:

1. KIUC's Motion, on behalf of the Parties, for an extension of time to file supplemental briefs and reply briefs, is approved.

2. The Parties are granted a 45-day extension of time, from January 31, 2008 to March 17, 2008, to file supplemental briefs. The Parties are also granted an extension of time, from February 15, 2008 to April 1, 2008, to file reply briefs.

DONE at Honolulu, Hawaii FEB - 6 2008.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Kaiulani Kidani Shinsato
Kaiulani Kidani Shinsato
Commission Counsel

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24015 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, HI 96809

WILLIAM A. BONNET
VICE PRESIDENT
GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

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

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

EDWARD L. REINHARDT
PRESIDENT
MAUI ELECTRIC COMPANY, LIMITED
P.O. Box 398
Kahului, HI 96733-6898

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Page 2

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

Attorneys for HAWAIIAN ELECTRIC COMPANY, INC.,
HAWAII ELECTRIC LIGHT COMPANY, INC.,
and MAUI ELECTRIC COMPANY, LIMITED

CRAIG I. NAKANISHI, ESQ.
SHAH J. BENTO, ESQ.
RUSH MOORE LLP
737 Bishop Street, Suite 2400
Honolulu, HI 96813

Attorneys for HAWAIIAN ELECTRIC COMPANY, INC.,
HAWAII ELECTRIC LIGHT COMPANY, INC.,
and MAUI ELECTRIC COMPANY, LIMITED

RANDALL J. HEE, P.E.
PRESIDENT AND CEO
KAUAI ISLAND UTILITY COOPERATIVE
4463 Pahe'e Street, Suite 1
Lihue, HI 96766-2000

TIMOTHY BLUME
MICHAEL YAMANE
KAUAI ISLAND UTILITY COOPERATIVE
4463 Pahe'e Street, Suite 1
Lihue, HI 96766-2000

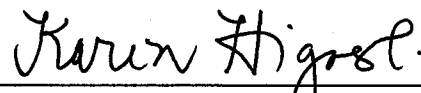
KENT D. MORIHARA, ESQ.
KRIS N. NAKAGAWA, ESQ.
RHONDA L. CHING, ESQ.
MORIHARA LAU & FONG LLP
841 Bishop Street, Suite 400
Honolulu, HI 96813

Attorneys for KAUAI ISLAND UTILITY COOPERATIVE

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WARREN S. BOLLMEIER II
PRESIDENT
HAWAII RENEWABLE ENERGY ALLIANCE
46-040 Konane Place #3816
Kaneohe, HI 96744

HENRY Q CURTIS
VICE PRESIDENT FOR CONSUMER ISSUES
LIFE OF THE LAND
76 North King Street, Suite 203
Honolulu, HI 96817



Karen Higashi

DATED: FEB - 6 2008