

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

-----In the Matter of-----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate the Issues and)
Requirements of Adopting or)
Establishing Standards for Solar)
Water Heater Systems as Mandated)
by Act 204, Session Laws of)
Hawaii (2008).)
_____)

DOCKET NO. 2008-0249

ORDER APPROVING, WITH MODIFICATION,
STIPULATED PROCEDURAL ORDER FILED ON JANUARY 20, 2009

FILED

2009 FEB 12 P 12:53

PUBLIC UTILITIES
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----In the Matter of----)	
)	
PUBLIC UTILITIES COMMISSION)	Docket No. 2008-0249
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Investigate the Issues and)	
Requirements of Adopting or)	
Establishing Standards for Solar)	
Water Heater Systems as Mandated)	
by Act 204, Session Laws of)	
Hawaii (2008).)	
_____)	

ORDER APPROVING, WITH MODIFICATION,
STIPULATED PROCEDURAL ORDER FILED ON JANUARY 20, 2009

By this Order, the commission approves, with a modification, the Stipulated Procedural Order filed by the parties¹ and participant² on January 20, 2009, which is attached hereto as Exhibit A.

I.

Stipulated Procedural Order

On January 20, 2009, the Parties and Participant filed the attached Stipulated Procedural Order, setting forth a proposed Statement of the Issues, Schedule of Proceedings, and procedures to be utilized in this docket. Upon review, the

¹The parties to this proceeding are: HAWAIIAN ELECTRIC COMPANY, INC.; HAWAII ELECTRIC LIGHT COMPANY, INC.; MAUI ELECTRIC COMPANY, LIMITED; KAUAI ISLAND UTILITY COOPERATIVE; the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, an ex officio party pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62; and the HAWAII SOLAR ENERGY ASSOCIATION (collectively, the "Parties").

²The participant to this proceeding is HONEYWELL INTERNATIONAL INC. ("Participant").

commission finds the provisions of the Stipulated Procedural Order to be reasonable and, subject to the modification below, approves the Stipulated Procedural Order.

Section II, Schedule of Proceedings, of the Stipulated Procedural Order is modified by including the following procedural steps:

	PROCEDURAL STEPS	DEADLINE
6.	Panel Hearing, if necessary	Week of April 27, 2009
7.	Simultaneous Opening Briefs	May 15, 2009
8.	Simultaneous Reply Briefs	May 22, 2009

Given that the current statutory deadline requires the commission to "adopt or establish" the standards for solar water heater systems no later than July 1, 2009,³ the commission finds it reasonable and appropriate at this time to establish the dates for the panel hearing, if necessary, and the filing of simultaneous briefs, as set forth above, for scheduling purposes.

II.

Order

THE COMMISSION ORDERS:

The Parties and Participant's Stipulated Procedural Order, filed on January 20, 2009, and attached to this Order as Exhibit A, is approved, subject to the modification set forth in Section I, above.

³See Act 204, Session Laws of Hawaii (2008), Section 3.

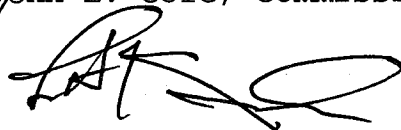
DONE at Honolulu, Hawaii

FEB 12 2009


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:


Ji Sook Kim
Commission Counsel

2008-0249.SWH Standards.ps

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Systems as Mandated by Act 204, Session Laws)
of Hawaii (2008).)
_____)

Docket No. 2008-0249

PUBLIC UTILITIES
COMMISSION

2009 JAN 20 P 2:30

FILED

STIPULATED PROCEDURAL ORDER

and

CERTIFICATE OF SERVICE

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION
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Docket No. 2008-0249

STIPULATED PROCEDURAL ORDER

and

CERTIFICATE OF SERVICE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

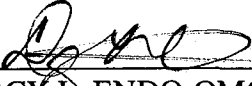
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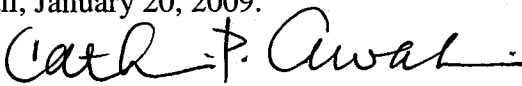
Docket No. 2008-0249

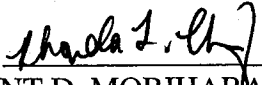
STIPULATED PROCEDURAL ORDER

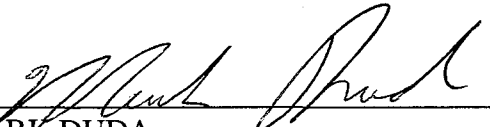
Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO"), Maui Electric Company, Limited ("MECO"), Kauai Island Utility Cooperative ("KIUC"), the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") and Hawaii Solar Energy Association ("HSEA") as the Parties, and Honeywell International Inc. ("Honeywell") as the Participant, hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party/participant.

Dated: Honolulu, Hawaii, January 20, 2009.

By 
DARCY L. ENDO-OMOTO
Vice President
Hawaiian Electric Company, Inc.
Hawaii Electric Light Company, Inc.
Maui Electric Company, Limited

By 
CATHERINE P. AWAKUNI
Executive Director
Division of Consumer Advocacy
Department of Commerce and Consumer
Affairs

By 
KENT D. MORIHARA
KRIS N. NAKAGAWA
RHONDA L. CHING
Morihara Lau & Fong LLP
Attorneys for Kauai Island Utility Cooperative

By 
MARK DUDA
President
Hawaii Solar Energy Association

By 
YVETTE MASKREY
District Manager
Honeywell International Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)	
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PUBLIC UTILITIES COMMISSION)	Docket No. 2008-0249
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Systems as Mandated by Act 204, Session Laws)	
of Hawaii (2008))	
_____)	

STIPULATED PROCEDURAL ORDER

On September 26, 2008, the Commission issued its Order Initiating Investigation to Adopt or Establish Standards for Solar Water Heater Systems (“Initiating Order”) to examine the issues and requirements of adopting or establishing standards for solar water heater systems as mandated by Act 204, Session Laws of Hawaii (2008) (“Act 204”), Section 3. The Commission initiated this investigation pursuant to Act 204, Hawaii Revised Statutes (“HRS”) §§ 269-6 and 269-7, and Hawaii Administrative Rules (“HAR”) § 6-61-71.

In the Initiating Order, the Commission named Hawaiian Electric Company, Inc. (“HECO”), Hawaii Electric Light Company, Inc. (“HELCO”) and Maui Electric Company, Limited (“MECO”)¹, Kauai Island Utility Cooperative (“KIUC”), and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the “Consumer Advocate”) as parties to this docket. In addition, the Initiating Order directed the Parties (and intervenors and

¹ HECO, HELCO and MECO are collectively referred to as the “HECO Companies”.

participants, if any) to develop and file proposed or stipulated procedural orders to govern the matters of this investigation for the Commission's review and approval within 30 days after the Commission issues its order(s) addressing the filed motions to intervene or participate without intervention.

On October 14, 2008, Hawaii Solar Energy Association ("HSEA") filed a Motion to Intervene and Become a Party to the subject proceeding.

By letter dated October 20, 2008, the HECO Companies notified the Commission that the HECO Companies do not oppose the granting of intervenor status to HSEA, provided that the movant does not broaden the issues or delay the proceeding.

On October 16, 2008, Honeywell International Inc. ("Honeywell") filed a Motion to Participate without Intervention in the subject proceeding.

By letter dated October 21, 2008, the HECO Companies notified the Commission that the HECO Companies do not oppose Honeywell's motion to participate without intervention, provided that the movant does not broaden the issues or delay the proceeding.

On December 19, 2008, the Commission issued an Order Granting Intervention and Participation, thereby granting (1) HSEA's Motion to Intervene and Become a Party, and (2) Honeywell's Motion to Participate without Intervention.

The Parties² and Participant³ agree that the following provisions of this Stipulated Procedural Order are mutually acceptable to each.

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

² The HECO Companies, KIUC, the Consumer Advocate and HSEA shall be collectively referred to as the "Parties".

³ Honeywell shall be referred to as the "Participant".

I. STATEMENT OF THE ISSUES

The issues in this docket are:

1. Between OG-300⁴ and the RSWHS⁵ Standards, which is the more appropriate and reasonable standard for the commission to adopt or utilize as the basis to establish standards for solar water heater systems to comply with the requirements of Section 3, Act 204, and why?
 - (a) If the response to issue no. 1 is OG-300, how should it be modified to address Hawaii specific requirements, if at all?
 - (b) If the response to issue no. 1 is the RSWHS Standards, how should it be modified, if at all? Are the RSWHS Standards too stringent?
2. Regardless of the above, what are the standards the commission should adopt or establish to comply with the requirements of Section 3, Act 204, and why?
3. Once adopted or established, what is the most reasonable and feasible method of updating the standards for solar water heating systems in Hawaii?

II. SCHEDULE OF PROCEEDINGS

	PROCEDURAL STEPS	DEADLINE
1.	Technical Meeting	Week of January 26, 2009
2.	Sharing of the Parties' Informal Preliminary Standards for Solar Water Heating Systems ⁶	February 18, 2009
3.	Technical Meeting to discuss Informal Preliminary Standards for Solar Water Heating Systems	March 4, 2009

⁴ "OG-300" is the standards set forth in the Solar Rating and Certification Corporation's Document OG-300 "Operating Guidelines and Minimum Standards for Certifying Solar Water Heating Systems."

⁵ The "RSWHS" standards are HECO's "Residential Solar Water Heating System Standards and Specifications."

⁶ The informal Preliminary Standards for Solar Water Heating Systems ("Preliminary Standards") will not be filed with the Commission. The purpose of not filing the Preliminary Standards above is to allow for the Parties to openly share their preliminary positions outside of a public forum while continuing to analyze and gather additional information needed to finalize those positions in the Preliminary Standards for Solar Water Heater Systems without concern or undue prejudice in the event the positions taken in the parties respective Final Statements of Position and Standards for Solar Water Heating Systems differ from the positions set forth in their Preliminary Standards.

	PROCEDURAL STEPS	DEADLINE
4.	Settlement Discussions with Parties	March 18-20, 2009
5.	Parties Settlement Agreement, or Parties Final Statement of Position and Standards for Solar Water Heating Systems if a settlement agreement is not reached ⁷	April 6, 2009

If there are substantial disagreements following the Parties Final Statement of Position and Standards for Solar Water Heating Systems and the Parties do not waive the right to a hearing, the Parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval. If after the filing of the Parties Final Statement of Position and Standards for Solar Water Heating Systems the Parties waive the right to a hearing, the Parties will notify the Commission that the proceeding is ready for decision-making.

Notwithstanding the foregoing, the Parties shall have the right to amend the Stipulated Schedule of Proceedings as may be agreed in writing and approved by the Commission from time to time. However, 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.

⁷ Pursuant to page 9 of the Order Granting Intervention and Participation filed on December 19, 2008, "Honeywell's participation in this proceeding shall, unless otherwise ordered by the [C]ommission, be limited to receiving all filings, responding to information requests, and filing a final position statement in this proceeding." Honeywell shall file its Final Statement of Position on the same date as the Parties (i.e., April 6, 2009).

III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

The Schedule of Proceedings as agreed to by the Parties does not have formal information requests. The Parties agree to work together to respond to informal information requests in a timely manner. If the Schedule of Proceedings is amended to include formal information requests, then a party to this proceeding may submit information requests to another party or participant within the time schedule specified in the amended Stipulated Procedural Order. To the extent practical, the Parties will cooperate by exchanging information requests and the Parties and Participant will cooperate by exchanging responses as they become available, and 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 or participant 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 and Participant 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 or participant, as applicable, 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 or participant 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 or participant responding to the information request shall make the diskette or such electronic medium available to the other parties, participant and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all cell references and formulae intact, and will not be converted to values prior to submission.

A party or participant 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 or participant 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. In addition, a party or participant 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 or participant 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 information claimed to be privileged or subject to protection (confidential information). If a party or participant claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party or participant 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 or participant if the information were disclosed); and (3) state whether the party or participant is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order.

A party seeking production of documents notwithstanding a party's or participant's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party or participant to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information requests submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-HECO-IR-1", "CA-KIUC-IR-1" and "CA-HONEYWELL-IR-1" (if applicable), and the responses to these information requests shall be referred to and designated as, respectively, "Response to CA-HECO-IR-1", "Response to CA-KIUC-IR-1" and "Response to CA-HONEYWELL-IR-1" (if applicable).

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, indicating the name of the respondent for each response.

B. Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to 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 Filings and Information Requests

1. Filings:

Commission	Original + 8 copies
Consumer Advocate	2 copies
HECO/HELCO/MECO	2 copies
KIUC	1 copy
HSEA	1 copy
Honeywell	1 copy

2. All pleadings, briefs and other 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 Commission and Consumer Advocate by hand delivery or United States mail (first class, postage prepaid). The Parties and Participant stipulate and agree that service of documents between the other parties and participant, other than documents designated as confidential pursuant to any protective order adopted in this proceeding, shall be served electronically via e-mail in a portable document format ("pdf") by 5:00 p.m. on the day due. The Parties and the Participant agree to use Word 97, Word 2000 or Word 2008 as the standard

programming format for filings in this case and will submit the Parties' information requests and the Parties/Participant's responses to the other parties/participant in this format. The Parties and Participant also agree to submit any spreadsheets (e.g., used as workpapers or exhibits or documentation submitted in response to information requests) in Microsoft Excel format. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party or participant 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 2008 as long as the applicable format is identified.

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 and participant. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

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 and the Participant 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 and the Participant 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.

APPROVED AND SO ORDERED THIS, _____
at Honolulu, Hawaii.

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:

Ji Sook Kim
Commission Counsel

CERTIFICATE OF SERVICE

The foregoing Stipulated Procedural Order was served on the date of filing as indicated below by hand delivery and/or by mailing a copy by United States mail, postage prepaid, to the following:

Hand Delivery	U.S. Mail	
		CATHERINE P. AWAKUNI EXECUTIVE DIRECTOR DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY 335 Merchant Street, Room 326 Honolulu, Hawaii 96813
		DEAN MATSUURA MANAGER, REGULATORY AFFAIRS HAWAIIAN ELECTRIC COMPANY, INC. P.O. Box 2750 Honolulu, HI 96840-0001
		THOMAS W. WILLIAMS, JR. DAMON L. SCHMIDT GOODSILL ANDERSON QUINN & STIFEL Alii Place, Suite 1800 1099 Alakea Street Honolulu, HI 96813 Counsel for HECO/HELCO/MECO
		RANDALL HEE PRESIDENT AND CHIEF EXECUTIVE OFFICER KAUAI ISLAND UTILITY COOPERATIVE 4463 Pahe'e Street, Suite 1 Lihue, Kauai, HI 96766-2000
		KENT D. MORIHARA KRIS N. NAKAGAWA RHONDA L. CHING 841 Bishop Street, Suite 400 Honolulu, Hawaii 96813 Counsel for KIUC

Hand Delivery	U.S. Mail	
		MARK DUDA PRESIDENT HAWAII SOLAR ENERGY ASSOCIATION c/o Suntech Hawaii P. O. Box 1462 Kailua, HI 96734
		YVETTE MASKREY DISTRICT MANAGER HONEYWELL INTERNATIONAL INC. 220 S. King Street Suite 1460 Honolulu, HI 96813

CERTIFICATE OF SERVICE

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

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

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

THOMAS W. WILLIAMS, JR., ESQ.
DAMON L. SCHMIDT, ESQ.
GOODSILL ANDERSON QUINN & STIFFEL
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, HI 96813

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

RANDALL HEE
PRESIDENT AND CHIEF EXECUTIVE OFFICER
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4463 Pahe'e Street, Suite 1
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841 Bishop Street, Suite 400
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Counsel for KAUAI ISLAND UTILITY COOPERATIVE

Certificate of Service

Page 2

MARK DUDA
PRESIDENT
HAWAII SOLAR ENERGY ASSOCIATION
c/o Suntech Hawaii
P. O. Box 1462
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YVETTE MASKREY
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