

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ELECTRIC COMPANY, INC.)
)
For Approval of a Biodiesel Supply)
Contract with Imperium Services,)
LLC, and to include Contract)
Costs in HECO's Energy Cost)
Adjustment Clause.)
_____)

DOCKET NO. 2007-0346

ORDER REGARDING PROCEDURAL SCHEDULE

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

PUBLIC UTILITIES
COMMISSION

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FILED

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HAWAIIAN ELECTRIC COMPANY, INC.)	Docket No. 2007-0346
For Approval of a Biodiesel Supply)	
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LLC, and to include Contract)	
Costs in HECO's Energy Cost)	
Adjustment Clause.)	
_____)	

ORDER REGARDING PROCEDURAL SCHEDULE

By this Order, the commission adopts the Schedule of Proceedings, which was included in the Stipulated Amendment to Procedural Order filed on February 6, 2009 ("Stipulation") by HAWAIIAN ELECTRIC COMPANY, INC., ("HECO")¹ the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate")² and LIFE OF THE LAND ("LOL") (collectively, "the Parties"). The commission declines to adopt the remainder of the Stipulation.

¹HECO is a Hawaii corporation and a public utility as defined by Hawaii Revised Statutes ("HRS") § 269-1. HECO was initially organized under the laws of the Kingdom of Hawaii on or about October 13, 1891. HECO is engaged in the production, purchase, transmission, distribution, and sale of electricity on the island of Oahu in the State of Hawaii.

²The Consumer Advocate is an ex officio party to all dockets before the commission pursuant to HRS § 269-51 and Hawaii Administrative Rules § 6-61-62.

I.

Stipulation

By Order No. 24144, filed on April 10, 2008, the commission approved a modified Stipulated Procedural Order to govern this proceeding. On July 21, 2008, the commission amended the Stipulated Procedural Order to, among other things, set the date of initiation of the evidentiary hearing in this docket as October 6, 2008.³ The Stipulated Procedural Order further specified that Simultaneous Proposed Findings of Facts/Conclusions of Law were to be submitted three weeks after the transcripts from the evidentiary hearing became available. Evidentiary Hearing transcripts were delivered to HECO on December 12, 2008. On December 24, 2008, HECO filed a request for an extension of time to file the Simultaneous Proposed Findings of Facts/Conclusions of Law based upon ongoing negotiations regarding amendments to the Biodiesel Supply Contract.

By letter dated December 31, 2008, the commission granted an extension of time to file the Simultaneous Proposed Findings of Facts/Conclusions of Law. The commission further instructed: (1) HECO to submit the Biodiesel Supply Contract amendments with the commission within thirty days of the date of the letter, and (2) the Parties to submit, within one week after the amendment was filed, a stipulated proposed procedural schedule. On January 30, 2009, HECO timely filed with the commission: (1) amendments to the Biodiesel Supply Contract and

³The Evidentiary Hearing occurred on October 6 and 7, 2008.

(2) a Term Sheet between HECO and Aloha Petroleum, Ltd. ("Aloha") for a Biodiesel Terminalling and Trucking Agreement ("Terminalling and Trucking Agreement").

On February 6, 2009, HECO, the Consumer Advocate and Life of the Land filed a Stipulated Amendment To Procedural Order for the commission's review and approval. Among other things, the Parties agreed to supplement the evidentiary hearing which was held on October 6 and 7, 2008, and to waive notice for the supplemental hearing. The Parties also provided a list of proposed issues, schedule of proceedings, and other miscellaneous matters related to the details regarding requests for information, and identified two HECO witnesses. The commission noted an absence of testimony by HECO.

Having reviewed the Stipulation, the commission adopts the stipulated Schedule of Proceedings as modified:

SCHEDULE OF PROCEEDINGS

HECO Files Amendment to the Biodiesel Supply Contract with Imperium, Term Sheet for the Terminalling and Trucking Agreement with Aloha, and Explanatory Documents	January 30, 2009
HECO Files Terminalling and Trucking Agreement with Aloha and Explanatory Documents	February 6, 2009
Information Requests to HECO on Amendment to the Biodiesel Supply Contract the Terminalling and Trucking Agreement, and Explanatory Documents	February 12, 2009
HECO's Responses to Information Requests	February 20, 2009
Consumer Advocate and Life of the Land file Supplemental Testimony	February 27, 2009

HECO's Rebuttal Testimonies	March 3, 2009
Re-Opening of Evidentiary Hearing	March 9, 2009, subject to the Commission's schedule
Simultaneous Proposed Findings of Facts/Conclusions of Law	3 weeks after availability of the Evidentiary Hearing transcript
Simultaneous Comments to Proposed Findings of Facts/Conclusions of Law	2 weeks after the filing of the Findings of Facts/Conclusions of Law

III.

Orders

THE COMMISSION ORDERS:

1. The Schedule of Proceedings governing this docket is as follows:

SCHEDULE OF PROCEEDINGS

HECO Files Amendment to the Biodiesel Supply Contract with Imperium, Term Sheet for the Terminalling and Trucking Agreement with Aloha, and Explanatory Documents	January 30, 2009
HECO Files Terminalling and Trucking Agreement with Aloha and Explanatory Documents	February 6, 2009
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HECO's Rebuttal Testimonies	March 3, 2009
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Simultaneous Proposed Findings of Facts/Conclusions of Law	3 weeks after availability of the Evidentiary Hearing transcript
Simultaneous Comments to Proposed Findings of Facts/Conclusions of Law	2 weeks after the filing of the Findings of Facts/Conclusions of Law

2. In all other respects, Order No. 24144, filed on April 10, 2008, as modified on July 21, 2008 and December 31, 2008, remains unchanged.

DONE at Honolulu, Hawaii FEB 17 2009.

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:

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

Jodi M. K. Yi
Jodi M. K. Yi
Commission Counsel

2007-0376.laa

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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