

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 HAWAIIAN ELECTRIC COMPANY, INC. )  
 )  
 For Approval to Commit Funds in )  
 Excess of \$2,500,000 (excluding )  
 customer contributions) for the )  
 Purchase and Installation of the )  
 Capital Equipment, Item P0001577, )  
 For the Kahe 3 Biofuel Co-firing )  
 Demonstration Project, and for )  
 Approval of the Biofuel Supply )  
 Contract for the Kahe 3 Biofuel )  
 Co-firing Demonstration Project )  
 and to Include the Biofuel Supply )  
 Contract Costs in Hawaiian )  
 Electric's Energy Cost Adjustment. )  
 Clause. )  
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DOCKET NO. 2009-0155

ORDER APPROVING, WITH MODIFICATIONS,  
THE PARTIES' STIPULATED PROPOSED PROCEDURAL ORDER

PUBLIC UTILITIES  
COMMISSION

2009 OCT -8 A 8:28

FILED

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OF THE STATE OF HAWAII

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Docket No. 2009-0155

ORDER APPROVING, WITH MODIFICATIONS,  
THE PARTIES' STIPULATED PROPOSED PROCEDURAL ORDER

By this Order, the commission approves, with modifications, the Stipulated Proposed Procedural Order submitted on September 28, 2009, by HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") and the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate") (collectively, the "Parties"), which is attached hereto as Exhibit 1. Specifically, the commission modifies the Schedule of Proceedings, as set forth herein.

I.

Background

On July 13, 2009, HECO filed an application ("Application") for approval: (1) to commit an estimated \$5,200,000 for the purchase and installation of capital equipment, Item P0001577, for the Kahe 3 Biofuel Co-firing Demonstration Project ("Biofuel Project"); (2) of a biofuel supply contract ("Supply Contract") that will provide approximately 1,575,000 net U.S. gallons of biofuel for use in HECO's Biofuel Project; and (3) for inclusion of the Supply Contract and related costs in its Energy Cost Adjustment Clause, to the extent not recovered in HECO's base rates.

On July 29, 2009, LIFE OF THE LAND ("LOL") timely filed a Motion to Intervene ("Motion to Intervene") in this proceeding.<sup>1</sup> By Order Denying Intervention and Granting Participation Status to Life of the Land, issued on September 11, 2009 ("Participation Order"), the commission denied LOL's Motion to Intervene and instead granted LOL participation without intervention.<sup>2</sup> In the same order, the commission instructed the Parties and LOL

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<sup>1</sup>On August 5, 2009, HECO filed a Memorandum in Opposition to LOL's Motion to Intervene ("Opposition to LOL's Motion to Intervene"). On August 7, 2009, LOL filed a Motion for Leave to Reply to HECO's Opposition to LOL's Motion to Intervene and attached its Reply to HECO's Opposition to LOL's Motion to Intervene. On August 14, 2009, HECO filed a Memorandum in Opposition to LOL's Motion for Leave to Reply to HECO's Opposition to LOL's Motion to Intervene. The Consumer Advocate did not file a response to LOL's Motion to Intervene.

<sup>2</sup>On September 21, 2009, LOL filed a Motion for Reconsideration of the commission's Participation Order. On October 5, 2009, the commission issued its Order Denying Life of the Land's Motion for Reconsideration, Filed On September 21, 2009.

(the Participant) to submit a stipulated procedural order setting forth the issues, procedures, and schedule to govern this proceeding, within fifteen days of the date of the order and consistent with certain parameters.<sup>3</sup>

## II.

### Proposed Procedural Orders

On September 28, 2009, the Parties submitted their "Stipulated Proposed Procedural Order" ("Parties' SPO") while LOL submitted a separate "Proposed Stipulated Procedural Order" ("LOL's SPO").<sup>4</sup> The commission notes that while the Parties' filing consisted of a formal and complete proposed procedural order, LOL's submittal consisted of certain comments and recommendations with respect to the Parties' SPO. Except for the proposed Schedule of Proceedings, LOL appears to "accept" the Parties' SPO.<sup>5</sup> Accordingly, in reviewing the competing submittals, the commission finds it appropriate to adopt the Parties' SPO with certain modifications to the Schedule of Proceedings.

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<sup>3</sup>If the Parties and LOL were unable to agree, the commission instructed them to submit separate proposed procedural orders for the commission's consideration within the same time period.

<sup>4</sup>The commission deems LOL's September 28, 2009 filing to be its proposed procedural order since no other party to the proceeding agreed or was a signatory to LOL's submittal.

<sup>5</sup>See LOL's Proposed Order at 1.

A.

Schedule of Proceedings

In Section II, Schedule of Proceedings, of the Parties' SPO, the Parties state that "[i]n the event the Commission desires an evidentiary hearing, such hearing can be held on December 8, 2009"<sup>6</sup> and that "[t]he Parties and LOL shall designate witnesses supporting their respective statements of position and reply statement of position, if any, by December 4, 2009",<sup>7</sup> but do not specifically incorporate these proceedings or any post-hearing briefing in their proposed regulatory schedule. With regards to the Parties' proposed Schedule of Proceedings, LOL states that it "prefer[s] to give up one round of Information Requests, move forward the filing of our testimony (even ahead of the Consumer Advocate's filing if necessary), and holding the Evidentiary Hearing on December 8."<sup>8</sup> According to LOL, the Consumer Advocate insists on two rounds of information requests ("IRs") and, due to furloughs, cannot file its Statement of Position until November 17, 2009, while HECO feels that there is a lack of time to handle all the procedural steps needed between November 17 and December 8, 2009. LOL contends that the Parties "don't appear to want an Evidentiary Hearing."<sup>9</sup> LOL states that it wants to simplify the process to allow for cross-examination which "separates spin from rigorous analysis" and asserts that

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<sup>6</sup>See Parties' SPO at 4.

<sup>7</sup>Id.

<sup>8</sup>See LOL's SPO at 1.

<sup>9</sup>Id.

the commission's proposed hearing date of December 8, 2009, is ideal.<sup>10</sup>

Upon review, the commission adopts the Parties' SPO, subject to modifications to Section II (Schedule of Proceedings). Specifically, the commission finds that the Parties' proposed Schedule of Proceedings should be amended to: (1) require the filing of testimonies as opposed to statements of position by the Consumer Advocate and LOL; (2) accommodate discovery on the Consumer Advocate and LOL's testimonies; (3) require the filing of rebuttal testimonies by HECO; and (4) incorporate proceedings related to an evidentiary hearing by inserting procedural steps and dates for a prehearing conference, an evidentiary hearing, and the filing of post-hearing opening and reply briefs. Thus, the following regulatory schedule replaces the schedule set forth in Section II of the Parties' SPO and governs this proceeding unless otherwise ordered by the commission:

	Procedural Steps	Deadlines
1.	HECO's Application filed	July 13, 2009
2.	Consumer Advocate's/LOL's Information Requests	October 2, 2009
3.	HECO's Responses to Consumer Advocate's/LOL's Information Requests	October 14, 2009
4.	Consumer Advocate's/LOL's Supplemental Information Requests	October 21, 2009
5.	HECO's Responses to Consumer Advocate's/LOL's Supplemental Information Requests	October 28, 2009

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<sup>10</sup>Id.

	Procedural Steps	Deadlines
6.	Consumer Advocate's/LOL's Testimonies	November 13, 2009
7.	HECO's Information Requests to Consumer Advocate/LOL	November 18, 2009
8.	Consumer Advocate's/LOL's Responses to HECO's Information Requests	November 25, 2009
9.	HECO's Rebuttal Testimonies	December 2, 2009
10.	Prehearing Conference	December 4, 2009
11.	Evidentiary Hearing	December 9, 2009 <sup>11</sup>
12.	Simultaneous post-hearing opening briefs	December 23, 2009
13.	Simultaneous post-hearing reply briefs	December 30, 2009

Given the revisions set forth above, the commission deletes as unnecessary the following provision in Section II:

In the event the Commission desires an evidentiary hearing, such hearing can be held on December 8, 2009. The Parties and LOL shall designate witnesses supporting their respective statements of position and reply statement of position, if any, by December 4, 2009.

In addition, the third paragraph of Section II states the following:

Notwithstanding anything to the contrary contained herein, the Parties and LOL shall have the right to amend the regulatory schedule as may be mutually agreed to by the Parties and LOL in writing from time to time. Such mutual agreement to amend the regulatory schedule shall be set forth in and by letter filed with the Commission and the Parties and LOL may mutually agree to revise any scheduled matter set forth therein, provided however, that such revision shall not

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<sup>11</sup>The Evidentiary Hearing date is scheduled for December 9, 2009, rather than December 8, 2009, as set forth in the Participation Order, to accommodate a scheduling conflict.

change any evidentiary hearing date set by the Commission without the Commission's approval. Such letter shall constitute an amendment to this Proposed Prehearing Order upon filing with the Commission unless otherwise ordered by the Commission.

The commission finds this provision allowing the Parties and LOL to mutually agree to amend all aspects of the regulatory schedule, except for the evidentiary hearing date, without commission review and approval, to be unacceptable. However, the commission will allow the Parties and LOL to amend the schedule as it pertains to discovery deadlines without commission approval. Accordingly, the commission modifies the provision above to read as follows:

Notwithstanding anything to the contrary contained herein, the Parties and LOL shall have the right to amend the regulatory schedule as it pertains to discovery as may be mutually agreed to by the Parties and LOL in writing from time to time. Such mutual agreement to amend the regulatory schedule shall be set forth in a letter filed with the Commission and shall constitute an amendment to this Proposed Procedural Order upon filing with the Commission unless otherwise ordered by the Commission. However, the Parties and LOL must obtain the Commission's approval with respect to all other proposed amendments to the regulatory schedule.

B.

Copies

In their SPO, the Parties agree to file an "Original + 8 copies" with the commission. As fewer copies will be needed, the number of copies to be filed with the commission shall be "Original + 2 copies" in this docket.



III.

Order

THE COMMISSION ORDERS:


The Parties' Stipulated Proposed Procedural Order, filed on September 28, 2009, attached as Exhibit 1 to this Order, is approved as modified herein, consistent with the terms of this Order.

DONE at Honolulu, Hawaii OCT - 8 2009.

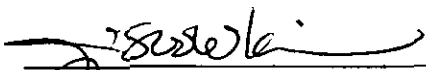
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Ji Sook Kim  
Commission Counsel

2009-0155.laa

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and for Approval of the Biofuel Supply Contract )  
for the Kahe 3 Biofuel Co-firing Demonstration )  
Project and to include the Biofuel Supply )  
Contract Costs in Hawaiian Electric's Energy )  
Cost Adjustment Clause. )  
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Docket No. 2009-0155

FILED  
2009 SEP 28 P 2:56  
PUBLIC UTILITIES  
COMMISSION

HAWAIIAN ELECTRIC COMPANY, INC'S AND  
THE DIVISION OF CONSUMER ADVOCACY'S  
STIPULATED PROPOSED PROCEDURAL ORDER

and

CERTIFICATE OF SERVICE

EXHIBIT 1


BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

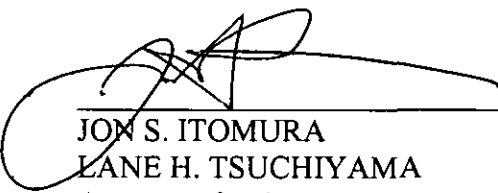
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HAWAIIAN ELECTRIC COMPANY, INC'S AND  
THE DIVISION OF CONSUMER ADVOCACY'S  
STIPULATED PROPOSED PROCEDURAL ORDER

In accordance with the Commission's Order Denying Intervention and Granting Participant status to Life of the Land ("Order") dated September 11, 2009, Applicant Hawaiian Electric Company, Inc. ("Hawaiian Electric") and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate") hereby submit this attached Proposed Procedural Order for the Commission's consideration. Hawaiian Electric and the Consumer Advocate stipulate that the attached Proposed Procedural Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, September 28, 2009.

  
\_\_\_\_\_  
CRAIG I. NAKANISHI  
DEVON I. PETERSON  
ERIN H. YODA  
Attorneys for  
Hawaiian Electric Company, Inc.

  
\_\_\_\_\_  
JON S. ITOMURA  
LANE H. TSUCHIYAMA  
Attorneys for the  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs

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PROPOSED PROCEDURAL ORDER

and

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Contract Costs in Hawaiian Electric's Energy	)	
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_____	)	

PROPOSED PROCEDURAL ORDER

On July 13, 2009, Hawaiian Electric Company, Inc. ("Hawaiian Electric" or "Applicant") filed an application (the "Application") requesting the approval of the Public Utilities Commission of the State of Hawai'i (the "Commission") (1) to commit funds in excess of \$2,500,000 (currently estimated at \$5,200,000) for Purchase and Installation of Item P0001577, Kahe 3 Biofuel Co-firing Demonstration Project (the "Capital Project"), in accordance with provisions of Paragraph 2.3(g)(2) of General Order No. 7, as revised in Decision and Order No. 21002 (issued May 27, 2004 in Docket No. 03-0257); (2) of a biofuel supply contract ("Biofuel Contract") that will provide approximately 1,575,000 net U.S. gallons of biofuel for use in the Kahe-3 Biofuel Co-firing Project; and (3) for the inclusion of the costs of the Biofuel Contract, including without limitation, the costs associated with the biofuel, transportation, storage, and related taxes in Hawaiian Electric's Energy Cost Adjustment Clause

("ECAC") to the extent that the costs are not recovered in Hawaiian Electric's base rates. HECO served copies of the Application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") (Hawaiian Electric and the Consumer Advocate collectively referred to as the "Parties").

On July 29, 2009, Life of the Land ("LOL" or "Participant") filed a Motion to Intervene in this proceeding. By Order dated September 11, 2009 (the "Order") the Commission denied LOL's Motion to Intervene, but allowed LOL to participate on the issue of the environmental sustainability of palm oil-based biofuel. The Order further directed Hawaiian Electric, LOL, and the Consumer Advocate to submit a stipulated procedural schedule for the Commission's consideration and approval by September 28, 2009.<sup>1</sup> If the Parties and LOL are unable to agree, the Commission ordered the Parties and LOL to submit to the Commission a proposed procedural order, incorporating their agreed-upon issues, procedures, and schedule with respect to this proceeding.

Hawaiian Electric and the Consumer Advocate have reached agreement on procedural matters and submit this Proposed Procedural Order to the Commission, which is acceptable to the Parties. The Parties were unable to reach agreement with LOL.

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

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<sup>1</sup> The Order directs Hawaiian Electric, LOL and the Consumer Advocate to submit a stipulated procedural order or proposed procedural order within fifteen days of the date of the Order (September 11, 2009). The Order's Certificate of Service reflects that the Parties and LOL were served by mail. Hawaii Administrative Rule § 6-61-21(e) provides: "[w]henever a party has the right to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon the party and the notice or document is served upon the party by mail, two days shall be added to the prescribed period." Seventeen days from the date of the Order falls on Monday, September 28, 2009.

**I.**

**STATEMENT OF THE ISSUES**

The issues in this docket are:

1. Is it reasonable, prudent, and in the public interest for Hawaiian Electric to commit funds for the proposed purchase and installation of the Capital Project, in accordance with Paragraph 2.3(g)(2) of General Order No. 7?
2. Are the terms and conditions of the Biofuel Contract reasonable, prudent, and in the public interest?
3. Is it reasonable for Hawaiian Electric to include the costs of the Biofuel Contract, including without limitation, the costs associated with biofuel, transportation, storage, and related taxes in Hawaiian Electric's ECAC, to the extent that they are not recovered in Hawaiian Electric's base rates?

**II.**

**SCHEDULE OF PROCEEDINGS**

The Parties and LOL shall adhere to the schedule of proceedings set forth below:

1. Hawaiian Electric's Application filed	July 13, 2009
2. Consumer Advocate's/LOL's Information Requests	October 2, 2009
3. Hawaiian Electric's Responses to Consumer Advocate's/LOL's Information Requests	October 14, 2009
4. Consumer Advocate's/LOL's Supplemental Information Requests	October 23, 2009

5. Hawaiian Electric's Responses to Consumer Advocate/LOL's Supplemental Information Requests	October 30, 2009
6. Consumer Advocate's/LOL's Statements of Position	November 17, 2009
7. Hawaiian Electric's Reply Statement of Position, if necessary	December 1, 2009

In the event the Commission desires an evidentiary hearing, such hearing can be held on December 8, 2009. The Parties and LOL shall designate witnesses supporting their respective statements of position and reply statement of position, if any, by December 4, 2009.

Notwithstanding anything to the contrary contained herein, the Parties and LOL shall have the right to amend the regulatory schedule as may be mutually agreed to by the Parties and LOL in writing from time to time. Such mutual agreement to amend the regulatory schedule shall be set forth in and by letter filed with the Commission and the Parties and LOL may mutually agree to revise any scheduled matter set forth therein, provided however, that such revision shall not change any evidentiary hearing date set by the Commission without the Commission's approval. Such letter shall constitute an amendment to this Proposed Prehearing Order upon filing with the Commission unless otherwise ordered by the Commission.

The intent to 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.



### **III.**

#### **MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS**

A Party or a Participant to this proceeding may submit information requests to another Party or Participant within the time schedule specified in this Procedural Order. To the extent practical, the Parties and Participant will cooperate by informally resolving questions regarding information requests and responses 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 or Participant 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 and/or the Participant are unable to agree, the responding Party or Participant 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 inquiring Party or Participant to act.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials, 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 may make the diskette or such electronic medium available to the other Party or Participant and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely 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 are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part IV below. 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 or Participant 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 pursuant to a protective order governing this docket. A Party or Participant 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 Parties and Participant. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as “CA-IR-1”, and a response to this information request shall be referred to and designated as “Response to CA-IR-1”.

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and reference to any attached responsive document, indicating the name of the respondent for each response.

#### **IV.**

#### **MATTERS OF PUBLIC RECORD**

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that a Party or Participant has filed with the Commission, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to water transportation 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 Parties and Participant and further provided that any Party or Participant 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 or Participant proffers such document for admission as evidence in this proceeding.

From time to time, the Parties and Participant may stipulate in writing that such documents, or any portion of such documents, may be introduced into evidence in this proceeding.

V.

**COPIES OF PLEADINGS, BRIEFS, AND OTHER DOCUMENTS**

Public Utilities Commission  
465 South King Street, First Floor  
Honolulu, HI 96813  
Original plus 8 copies

Division of Consumer Advocacy  
Department of Commerce & Consumer Affairs  
335 Merchant Street, Room 326  
Honolulu, HI 96813  
2 copies

Craig I. Nakanishi, Esq.  
Devon I. Peterson, Esq.  
Erin H. Yoda, Esq.  
Rush Moore LLP  
737 Bishop Street, Suite 2400  
Honolulu, HI 96813  
1 copy

Dean K. Matsuura  
Manager, Regulatory Affairs  
Hawaiian Electric Company, Inc.  
P.O. Box 2750  
Honolulu, Hawaii 96840-0001  
1 copy

Henry Q Curtis  
Vice President for Consumer Issues  
Life of the Land  
76 North King Street, Suite 203  
Honolulu, Hawaii 96817  
2 copies

All pleadings, briefs, and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to

Section 6-61-15, Hawaii Administrative Rules (*HAR*). Copies of all filings shall be sent to the other Parties and Participant by hand delivery or by U.S. mail, postage prepaid.

In addition, if available, a Party or Participant shall provide copies of its filings to the other Party or Participant via diskette or e-mail in a standard electronic format that is readily available to the Parties. The Parties and Participant agree to use, as much as practicable, Word 97, Word 2000, Word 2003, or Word 2007 as the standard programming format for filings in this case. 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 2003/Word 2007 as long as the applicable format is identified. In the event a copy of a filing is delivered to a Party or Participant via diskette or e-mail, unless otherwise agreed to by such Party or Participant, the same number of copies of such filing, information request, or information request response must still be delivered to such Party or Participant by hand delivery or via facsimile as provided in Part V above.

## VI.

### COMMUNICATIONS

Section 6-61-29, Hawaii Administrative Rules, concerning *ex parte* communications is applicable to any communications between a Party or Participant and the Commission.

However, a Party or Participant may communicate with Commission counsel through its own counsel or designated official only as to matters of process and procedure.

Communications between the Parties and Participant shall either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on other Parties and Participant as provided in Part V above.

**VII.**

**GENERAL**


The foregoing procedures shall be applied in a manner consistent with the orderly conduct of this proceeding. This Proposed Procedural Order shall control the subsequent course of the proceeding, unless modified by the Parties and Participant in writing and approved by the Commission, or upon the Commission's own motion.

This Proposed Procedural Order may be executed by the Parties 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 may execute this Proposed Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DATED: Honolulu, Hawai'i, September 28, 2009.



CRAIG I. NAKANISHI  
DEVON L. PETERSON  
ERIN H. YODA  
Rush Moore LLP  
Attorneys for  
Hawaiian Electric Company, Inc.



JON S. ITOMURA  
LANE H. TSUCHIYAMA  
Attorneys for the  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs

APPROVED AND SO ORDERED THIS \_\_\_\_\_  
at Honolulu, Hawai'i.

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

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Capital Equipment, Item P0001577, for the	)	
Kahe 3 Biofuel Co-firing Demonstration Project,	)	
and for Approval of the Biofuel Supply Contract	)	
for the Kahe 3 Biofuel Co-firing Demonstration	)	
Project and to include the Biofuel Supply	)	
Contract Costs in Hawaiian Electric's Energy	)	
Cost Adjustment Clause.	)	
_____	)	

CERTIFICATE OF SERVICE

The foregoing document was served on the date of filing as indicated below by mailing a copy by United States mail, postage prepaid, to the following:

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
335 Merchant Street, Room 326  
Honolulu, Hawai'i 96813

DEAN K. MATSUURA  
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P.O. Box 2750  
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HENRY Q CURTIS  
VICE PRESIDENT FOR CONSUMER ISSUES  
LIFE OF THE LAND  
76 North King Street, Suite 203  
Honolulu, Hawaii 96817

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 HAWAIIAN ELECTRIC COMPANY, INC. ) Docket No. 2009-0155  
 )  
 For Approval to Commit Funds in Excess of )  
 \$2,500,000 (excluding customer contributions) )  
 for the Purchase and Installation of the )  
 Capital Equipment, Item P0001577, for the )  
 Kahe 3 Biofuel Co-firing Demonstration Project, )  
 and for Approval of the Biofuel Supply Contract )  
 for the Kahe 3 Biofuel Co-firing Demonstration )  
 Project and to include the Biofuel Supply )  
 Contract Costs in Hawaiian Electric's Energy )  
 Cost Adjustment Clause. )  
 \_\_\_\_\_ )


CERTIFICATE OF SERVICE

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

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
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DATED: Honolulu, Hawaii, September 28, 2009.

  
\_\_\_\_\_  
CRAIG I. NAKANISHI  
DEVON L. PETERSON  
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Attorneys for  
HAWAIIAN ELECTRIC COMPANY, INC.

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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