BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of

HAWAI'IAN ELECTRIC COMPANY, INC.

DOCKET NO. 2009-0291

For a Declaratory Order Regarding
the Exemption of the H-Power
Proposed Project From the Framework
For Competitive Bidding, or, in the
Alternative, for Approval of
Application for Waiver from the
Framework for Competitive Bidding.

ORDER DECLINING TO ISSUE A DECLARATORY RULING WITHIN 45 DAYS

2009 NOV 6 P 1:26
FILED
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ORDER DECLINING TO ISSUE A DECLARATORY RULING WITHIN 45 DAYS

By this Order, the commission declines to issue a declaratory ruling within the 45-day time period set forth in Hawaii Administrative Rules ("HAR") § 6-61-162,¹ pending its receipt and review of the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs' Statement of Position ("Consumer Advocate's SOP").² The Consumer Advocate's SOP shall be filed within fourteen days of the date of this Order.

¹See HAR § 6-61-164; In re PowerLight Corp., Docket No. 02-0182, Order No. 19545, filed on August 28, 2002 (declining to issue a declaratory order within 45 days pending the commission's receipt and review of responses to the commission's third set of information requests).

²In the Division of Consumer Advocacy's Preliminary Statement of Position, filed on October 8, 2009, the Consumer Advocate stated that it "will participate in the above captioned proceeding and will state its position upon completion of its investigation."
DONE at Honolulu, Hawaii          NOV - 6 2009

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By:  Carlito P. Caliboso, Chairman
     John E. Cole, Commissioner
     Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel
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