BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of) HAWAIIAN ELECTRIC COMPANY, INC.)) For Approval of the Biodiesel) Supply Contract for the Campbell) Industrial Park Combustion Turbine) Biodiesel Emissions Data Project) and to Include the Biodiesel Supply) Contract Costs in Hawaiian) Electric's Energy Cost Adjustment) Clause. ١

DOCKET NO. 2009-0296

ORDER GRANTING LIFE OF THE LAND'S MOTION TO PARTICIPATE, FILED ON OCTOBER 21, 2009

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Docket No. 2009-0296

ORDER GRANTING LIFE OF THE LAND'S MOTION TO PARTICIPATE, FILED ON OCTOBER 21, 2009

By this Order, the commission grants LIFE OF THE LAND'S ("LOL") Motion to Participate, filed on October 21, 2009 ("Motion to Participate").¹ LOL's participation in this proceeding shall,

HAWAIIAN ELECTRIC COMPANY, INC. ("HECO") timely filed a Memorandum in Opposition to LOL's Motion to Participate on October 29, 2009.

HECO and the Consumer Advocate are hereafter collectively referred to as the "Parties."

¹In its Motion to Participate, LOL seeks to assist the commission in developing a sound record with respect to HECO's application for approval of a biodiesel supply contract with REG Marketing and Logistics, LLC ("Supply Contract"). The Supply Contract is for a one-time purchase of approximately 400,000 net U.S. gallons of biodiesel that will be used for testing in HECO's new combustion turbine generating unit at Campbell Industrial See Application; Exhibits A-H; Park. Verification; and Certificate of Service, filed on October 2, 2009 ("Application"). HECO served copies of its Application on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), which is an <u>ex officio</u> party pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

unless otherwise ordered by the commission, be limited to the following issues: (1) the environmental sustainability of biodiesel derived from yellow grease (recycled cooking oil) and/or waste animal fat and (2) the use of B99 biodiesel blended with no more than 1% petroleum diesel (in addition to the 100% biodiesel) for the purpose of benefiting from the Federal biofuel blender's tax credit.² With respect to these issues, LOL shall be allowed to participate in discovery, file a statement of position, and participate in any evidentiary hearing requested by the commission.

The commission further directs the Parties and LOL to submit a stipulated procedural order setting forth the issues, procedures, and schedule to govern this proceeding. The stipulated procedural order shall be filed within fifteen days of the date of this Order for the commission's review and approval. If the Parties and LOL are unable to stipulate, they shall submit separate proposed procedural orders for the commission's consideration within the same time period.

²LOL's participation in this proceeding, however, is conditional. The commission will preclude any effort by LOL to unreasonably broaden the pertinent issues or unduly delay the proceeding. The commission will reconsider LOL's participation in this docket if, at any time during the course of this proceeding, the commission determines that LOL is unreasonably broadening the pertinent issues or unduly delaying the proceeding.

DONE at Honolulu, Hawaii ____

NOV 1 8 2009

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By

Carlito P. Caliboso, Chairman

By Commissioner Jo n E. Cole, By_

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

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Bonita Y.M. Chang Commission Counsel

2009-0296.laa

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

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