

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
 PUBLIC UTILITIES COMMISSION )  
 )  
 Instituting a Proceeding to )  
 Investigate the Implementation )  
 Of Intragovernmental Wheeling )  
 Of Electricity. )  
 \_\_\_\_\_ )

DOCKET NO. 2007-0176

ORDER FURTHER SUSPENDING THIS DOCKET

2009 DEC - 3 P 12: 16  
PUBLIC UTILITIES  
COMMISSION

FILED

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Of Electricity. )  
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ORDER FURTHER SUSPENDING THIS DOCKET

By this Order, the commission further suspends this docket until December 1, 2010, provided that the commission, at its option, may re-institute this docket at an earlier date.<sup>1</sup>

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The Parties are: (1) HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"); (2) HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"); (3) MAUI ELECTRIC COMPANY, LIMITED ("MECO"); (4) KAUAI ISLAND UTILITY COOPERATIVE; (5) the DEPARTMENT OF THE NAVY on behalf of the UNITED STATES DEPARTMENT OF DEFENSE; (6) the DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM ("DBEDT"); (7) the COUNTY OF HAWAII; (8) the COUNTY OF KAUAI; (9) the COUNTY OF MAUI; (10) the CITY AND COUNTY OF HONOLULU; (11) HAWAII RENEWABLE ENERGY ALLIANCE ("HREA"); (12) LIFE OF THE LAND; (13) CASTLE AND COOKE RESORTS, LLC/LANAI SUSTAINABILITY RESEARCH, LLC; and (14) the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62(a). HECO, HELCO, and MECO are collectively referred to as the "HECO Companies."

The Participants are: (1) REALGREEN POWER L.L.C.; (2) SUN EDISON LLC ("Sun Edison"); and (3) PUNA GEOTHERMAL VENTURE ("PGV").

I.

Background

On December 8, 2008, the commission approved DBEDT's request to temporarily suspend this docket for a period of twelve months from the date of the filing of its request, i.e., until November 13, 2009.<sup>2</sup> On October 27, 2009, the commission solicited written comments from the Parties and Participants "on how to proceed with this Commission-initiated docket, including whether an extension of the suspension period is appropriate."<sup>3</sup> Timely written comments were: (1) jointly submitted by the HECO Companies, DBEDT, and the Consumer Advocate (collectively, the "Energy Agreement Parties"); and (2) submitted by the County of Kauai, County of Maui, PGV, Sun Edison, and HREA.

II.

Discussion

The commission, in approving DBEDT's initial request to temporarily suspend this proceeding, reasoned:

Here, given the circumstances, the commission will approve DBEDT's request to suspend this docket. The commission concurs with DBEDT's assessment that the suspension of Docket No. 2007-0176 will "allow for the conservation of limited resources while the necessity of an intra-governmental wheeling proceeding is evaluated in light of the numerous commitments made in the Energy Agreement to increasing renewable energy in Hawaii including but not limited to, the Commission's opening of Docket No. 2008-0273." DBEDT was a significant part of the commission's decision to open this

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<sup>2</sup>Order Approving Request to Temporarily Suspend the Docket, filed on December 8, 2008 ("Temporary Suspension Order").

<sup>3</sup>Commission's letter, dated October 27, 2009, at 1.

commission-initiated docket. That DBEDT believes that the limited resources of the stakeholders in the energy arena in the State are best served by suspension of this docket is sufficient for the commission to delay this proceeding to allow DBEDT and others to focus on other substantive matters that may allow the State to achieve its energy objectives sooner.

Temporary Suspension Order, at 8-9 (brackets, footnote, and citation therein omitted).

The HECO Companies, DBEDT, the Consumer Advocate, the County of Kauai, and PGV affirmatively support or otherwise do not object to the continued suspension of this proceeding, with the Energy Agreement Parties supporting a one-year extension of the suspension period until November 13, 2010. Conversely, the County of Maui, HREA, and Sun Edison support the re-opening of this proceeding, with Sun Edison suggesting that Docket No. 2007-0176 resume on July 1, 2010, i.e., following the scheduled completion of the commission's on-going feed-in-tariffs proceeding, In re Public Util. Comm'n, Docket No. 2008-0273 ("Docket No. 2008-0273").

Since the temporary suspension of Docket No. 2007-0176 in December 2008, the commission has issued its initial decision and order in Docket No. 2008-0273.<sup>4</sup> While much progress has been made in the feed-in-tariffs proceeding and other renewable

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<sup>4</sup>Docket No. 2008-0273, Decision and Order, filed on September 25, 2009. While the commission in its decision and order set forth general principles to govern the implementation of feed-in-tariffs within the service territories of HECO, HELCO, and MECO, the commission's review and consideration of proposed feed-in-tariffs is the subject of the next phase of Docket No. 2008-0273. See Docket No. 2008-0273, Order Setting Schedule, filed on October 29, 2009.

energy-related proceedings, further work remains. In this regard, as noted by the Energy Agreement Parties:

The signatories to this correspondence respectfully submit that the rationale for the original suspension of Docket No. 2007-0176 has not changed. A further limited suspension of the intra-governmental wheeling investigatory docket would allow the parties to focus their limited resources upon the timely development of resource procurement options through active and ongoing Commission proceedings pursuant to Commission approved schedules. Once these programs and tariffs are approved by the Commission the necessity of the intra-governmental wheeling docket may be properly evaluated in light of these detailed and available options.

Energy Agreement Parties' joint letter, dated November 13, 2009, at 2.

Upon review, the commission continues to believe that the limited resources of the stakeholders in the energy arena in the State of Hawaii are best served by a further suspension of this proceeding, Docket No. 2007-0176. Ultimately, the commission will need to determine whether the continuation of Docket No. 2007-0176 is necessary, in light of the renewable energy-related progress and developments in other commission proceedings. Accordingly, the commission further suspends this docket until December 1, 2010; provided that the commission, at its option, may re-institute this docket at an earlier date.

III.


Order

THE COMMISSION ORDERS:

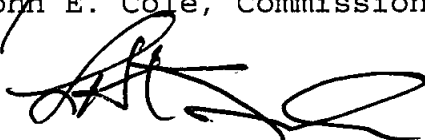
This docket is further suspended until December 1, 2010; provided that the commission, at its option, may re-institute this docket at an earlier date.

DONE at Honolulu, Hawaii DEC - 3 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:

  
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Commission Counsel

2007-0176.cp

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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