

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ELECTRIC COMPANY, INC.,)
HAWAII ELECTRIC LIGHT COMPANY, INC.,)
MAUI ELECTRIC COMPANY, LIMITED and)
)
KAUAI ISLAND UTILITY COOPERATIVE)
)
For Approval to Establish a Rule)
to Implement a Community-Based)
Renewable Energy Program and Tariff)
and Other Related Matters.)
_____)

DOCKET NO. 2015-0389

ORDER NO. **38038**

CLARIFYING ORDER NO. 37954

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Renewable Energy Program and Tariff)
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CLARIFYING ORDER NO. 37954

By this Order, the Public Utilities Commission
("Commission") clarifies Order No. 37954.¹

¹The Parties and Participants to this proceeding are:
(1) HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT
COMPANY, INC., and MAUI ELECTRIC COMPANY, LIMITED (collectively,
"Hawaiian Electric" or "Companies," individually "Company");
(2) KAUAI ISLAND UTILITY COOPERATIVE; (3) the DIVISION OF
CONSUMER ADVOCACY, an ex officio party; (4) the Intervenor the
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, and TOURISM;
and the Participants: (5) SUNPOWER CORPORATION; (6) HAWAII SOLAR
ENERGY ASSOCIATION; (7) ULUPONO INITIATIVE, LLC; (8) BLUE PLANET
FOUNDATION; (9) HAWAII PV COALITION; and (10) THE ALLIANCE FOR
SOLAR CHOICE.

I.

BACKGROUND AND RELEVANT PROCEDURAL HISTORY

On April 9, 2020, the Commission issued Order No. 37070, commencing Phase 2 of the Community Based Renewable Energy ("CBRE") program.²

On May 21, 2021, the Commission issued Order No. 37796, which approved with modifications, Hawaiian Electric's proposed CBRE Phase 2 request for proposals ("RFP") for the island of Lanai.³

On July 27, 2021, the Commission issued Order No. 37879, which approved with modifications, Hawaiian Electric's proposed RFPs and tariffs for the remainder of CBRE Phase 2.⁴

On September 3, 2021, the Commission issued Order No. 37954 to clarify Order No. 37879.⁵

On September 13, 2021, Hawaiian Electric filed its Motion for Clarification of Order No. 37954.⁶

²See Order No. 37070, "Commencing Phase 2 of the Community Based Renewable Energy Program," filed on April 9, 2020 ("Order No. 37070").

³See Order No. 37796, "Approving the Revised Lanai RFP," filed on May 21, 2021 ("Order No. 37796").

⁴See Order No. 37879, "Approving the March 30 CBRE Filings, with Modifications," filed on July 27, 2021 ("Order No. 37879").

⁵See Order No. 37954, "Clarifying Order No. 37879," filed on September 3, 2021 ("Order No. 37954").

⁶See "Hawaiian Electric Companies' Motion for Clarification of Order No. 37954, Memorandum in Support of Motion,

II.

DISCUSSION

Hawaiian Electric seeks clarification of Order No. 37954's requirements that:

Hawaiian Electric must allow bidders to propose small projects, i.e., projects of any size smaller than 250 kW AC, and larger than four kW AC, to connect to the distribution system on Molokai, consistent with the definitions for small projects in the proposed Tariff Rule 29 for Hawaii Island, Maui and Oahu. Hawaiian Electric must also allow bidders the option to propose small CBRE projects within those same size limits for distribution circuits on Lanai.⁷

Hawaiian Electric believes that the Commission did not intend to allow small projects on Molokai and Lanai because Order No. 37070 did not expressly allocate a portion of the cap for small projects on Molokai and Lanai, like it did for Maui, Oahu, and Hawaii Island, and because Order No. 37070 did not set a credit rate in Tariff Rule 29 for small projects.⁸ Hawaiian Electric acknowledges that the Commission permitted bidders "to propose projects of any size up to the cap for each

and Certificate of Service," filed on September 13, 2021 ("Motion for Clarification").

⁷Motion for Clarification at 4 (quoting Order No. 37954 at 7-8).

⁸See Motion for Clarification at 4.

island[,]” but never believed “this freedom included proposals for projects under 250 kW[.]”⁹

Clarification. The Commission understands Hawaiian Electric’s uncertainty about how to implement small projects on Molokai and Lanai, and therefore provides the following clarifications. Consistent with the Legislature’s intent that CBRE accommodate a variety of projects, models, and sizes, the Commission believes there may be buildings with roof space that could host projects in the 4 kW - 250 kW range on both Molokai and Lanai.¹⁰ But, the Commission wants the CBRE RFP process on Molokai and Lanai to begin as soon as possible. So that Hawaiian Electric may issue these RFPs quickly, the Commission will not require any changes to allow small projects on Molokai or Lanai in Tranche 1 of Phase 2. The Commission will, however, create additional capacity for small projects on Molokai for Tranche 2 of Phase 2. The Commission intends to make this new capacity for small projects available via Tariff Rule 29 soon after Hawaiian Electric receives bids for Tranche 1.

To achieve this, Hawaiian Electric must immediately begin preparing to accommodate small projects on Molokai by preparing a revised version of Tariff Rule 29 for Molokai that

⁹Motion for Clarification at 4.

¹⁰See Order No. 37879 at 25-26.

will accommodate small CBRE projects, at the credit rate set in Phase 1.¹¹ Hawaiian Electric must file, in this docket, its draft Tariff Rule 29 to accommodate small projects on Molokai no later than the date it announces the winning RFP bids for Phase 2 Tranche 1. At that time, the Commission will provide further direction, including the amount of new capacity available for small projects on Molokai in Phase 2 Tranche 2. This new capacity for small projects is specific to Molokai.

At this time, the Commission does not envision adding capacity for small projects on Lanai unless and until Lanai residents or Hawaiian Electric indicate that there is sufficient interest.

Hawaiian Electric must file its final RFPs for Molokai and Lanai, and all supporting documents, no later than November 4, 2021. These final RFPs and supporting documents will be approved automatically 10 days after they are filed, unless the Commission orders otherwise.

¹¹See Decision and Order No. 35137, filed on December 22, 2017, at 69.

III.

ORDERS

THE COMMISSION ORDERS:

1. Order No. 37954 is clarified as set forth in this Order.

2. Hawaiian Electric shall file its final RFPs and supporting documents for Molokai and Lanai no later than November 4, 2021.

3. These final RFPs and supporting documents for Molokai and Lanai will be approved automatically 10 days after they are filed, unless the Commission orders otherwise.

DONE at Honolulu, Hawaii OCTOBER 25, 2021.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin, Chair By Jennifer M. Potter, Commissioner

APPROVED AS TO FORM:

Mike S. Wallerstein, Commission Counsel By Leodolof R. Asuncion, Jr., Commissioner

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing Order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's electronic Distribution List.

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COMMISSION

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