



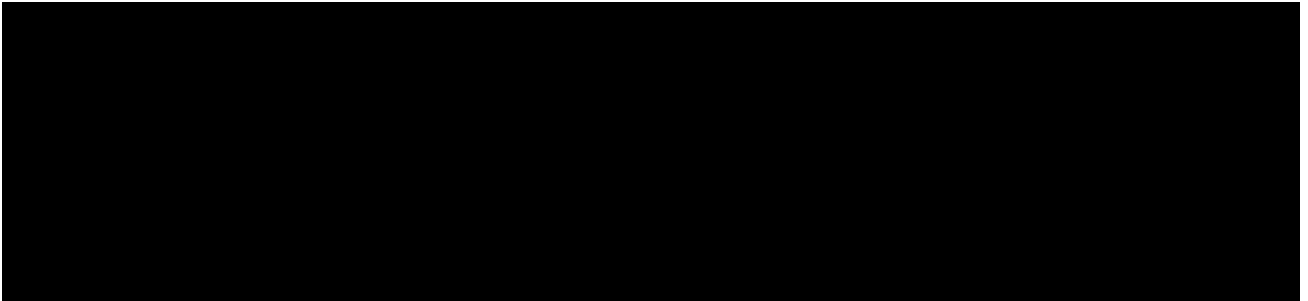
June 17, 2022

The Honorable Chair and Members  
of the Hawai'i Public Utilities Commission  
Kekuanao'a Building, First Floor  
465 South King Street  
Honolulu, Hawai'i 96813

Dear Commissioners:

Subject: Docket No. 2015-0389 – Community-Based Renewable Energy Program  
Lanai Community-Based Renewable Energy Program

The Companies<sup>1</sup> hereby submit the attached: 1) Letter from the Companies to Onyx, dated June 15, 2022, regarding the notification of termination of negotiations with Onyx for Mikiola Solar and withdrawal of award (see Attachment 1) and 2) Letter from Onyx to the Companies, dated June 16, 2022, acknowledging receipt of confirmation (see Attachment 2). Exhibit A, Confidentiality Justification Table, identifies the redacted information and the basis for confidentiality.



Sincerely,

/s/ Rebecca Dayhuff Matsushima

Rebecca Dayhuff Matsushima  
Vice President, Resource Procurement

Enclosure

c: Service List

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<sup>1</sup> Hawaiian Electric Company, Inc. ("Hawaiian Electric") and Maui Electric Company, Limited ("Maui Electric") are collectively referred to as the "Companies".

**EXHIBIT A: CONFIDENTIALITY JUSTIFICATION TABLE**

Hawaiian Electric hereby identifies redacted confidential and proprietary information that is being submitted as “confidential information” or “restricted information” pursuant to Protective Order No. 37226 in this docket. The following table: (1) identifies, in reasonable detail, the confidential information’s source, character, and location; (2) states clearly the basis for the claim of confidentiality; and (3) describes, with particularity, the cognizable harm to the producing party or participant from any misuse or unpermitted disclosure of the information. For designations of restricted information, additional descriptions of the cognizable harm are provided.

<b>Reference</b>	<b>Identification of Item</b>	<b>Restricted?</b>	<b>Basis of Confidentiality</b>	<b>Harm</b>
<p>Transmittal re: the Companies’ Lanai Community-Based Renewable Energy Program</p> <p>Attachment 1: Letter from the Companies to Onyx, dated June 15, 2022</p> <p>Attachment 2: Letter from Onyx to the Companies, dated June 16, 2022</p>	Information regarding evaluation of proposals	<p><b>Yes.</b></p> <p><b>Restricted information disclosed only to:</b> the PUC and CA.</p> <p><b>Restricted from:</b> Kauai Island Utility Cooperative, Department of Business, Economic Development, and Tourism, Sunpower Corporation, Hawai’i PV Coalition, Hawaii Solar Energy Association,</p>	Confidential commercial, financial and cost information which falls under the frustration of legitimate government function exception of the Uniform Information Practices Act (“UIPA”). <sup>1</sup>	<p>Public disclosure of the subject confidential information could cause the Companies to be competitively disadvantaged in their proposed procurement. The Companies believe that public disclosure of this information could dissuade the market from setting the most competitive pricing for renewable generation and storage and/or give an unfair business advantage to potential proposers, resulting in increased costs or other prejudice to the Companies and their customers. Furthermore, Section IV.H of the Framework for Competitive Bidding provides that in a closed bidding process “bidders shall not have access to the utility’s bid evaluation models, the detailed criteria used to evaluate bids, or information contained in proposals submitted by other bidders.”</p> <p>The Companies maintain that the subject information falls under the frustration of legitimate</p>

<sup>1</sup> Haw. Rev. Stat. § 92F-13(3)

Reference	Identification of Item	Restricted?	Basis of Confidentiality	Harm
		<p>Ulupono Initiative, LLC, Blue Planet Foundation, and The Alliance for Solar Choice.</p>		<p>government function exception of the UIPA, as disclosure of the subject information would impair the Commission’s ability to obtain necessary information to properly perform its review of this regulatory proceeding (as the Companies would not have submitted the confidential information in this docket at this time but for: (1) the governmental function of reviewing the Companies’ draft RFPs; and (2) the Companies’ belief and reliance that the information would not be publicly disclosed).</p> <p>The confidential information: (1) has not been previously disclosed or otherwise publicly disseminated; (2) is not of the kind of information that the Companies would customarily disclose to the public at this juncture; and (3) is of a nature that its disclosure could (a) impair the Commission’s ability to obtain necessary information from similarly situated parties in the future, and (b) cause substantial harm to the Companies and/or its customers as previously described above.</p> <p>Basis for withholding from Kauai Island Utility Cooperative, Department of Business, Economic Development, and Tourism, Sunpower Corporation, Hawai‘i PV Coalition, Hawaii Solar Energy Association, Ulupono Initiative, LLC, Blue Planet Foundation, and The Alliance for Solar Choice: Public disclosure of the subject</p>

Reference	Identification of Item	Restricted?	Basis of Confidentiality	Harm
				<p>information to the participants in this docket would place the Companies at a competitive disadvantage as such information could give participants and/or any related entities an unfair business advantage resulting in prejudice to the Companies and their customers.</p>

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SERVICE LIST  
(Docket No. 2015-0389)

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## Chun, Marisa

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**From:** puc@hawaii.gov  
**Sent:** Friday, June 17, 2022 2:50 PM  
**To:** Chun, Marisa  
**Subject:** Hawaii PUC eFiling Confirmation of Filing

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