

# *About the Division of Consumer Advocacy*

- The Division of Consumer Advocacy (“DCA”), part of the state Department of Commerce & Consumer Affairs, represents, protects, and advances consumer interests before the Hawaii Public Utilities Commission (“PUC”) and other state and federal agencies.
- The DCA assists and represents utility customers as a whole, statewide, as opposed to a single customer or select group.
- The DCA is an ex officio party to every PUC proceeding, pursuant to HRS § 269-51 and HAR § 6-61-62.

# *About the Division of Consumer Advocacy*

- In Hawaii, utility companies must seek PUC approval for rate increases, major capital improvement projects, certificates of authority to operate, company buyouts and mergers, financing, and to implement special programs, among other things.
- The DCA carefully reviews different aspects of a utility company's request to regulators to determine whether it is reasonable and in the public interest and then makes recommendations to the PUC on behalf of consumers.
- The DCA focuses its primary review on applications filed or proceedings opened relating to electric, telecommunications, water & wastewater, synthetic natural gas, and some transportation services.

# DCA's participation in recent dockets addressing energy matters before the PUC

- Hawaii Electric Light Company, Inc.'s rate case (Docket No. 05-0315)
  - The PUC is examining whether HELCO's fuel adjustment clause complies with Act 162, SLH 2006, in this proceeding.
  - Next step: After the conclusion of the discovery phase, on February 21, 2007, the DCA will file its direct testimonies in this docket.

# DCA's participation in recent dockets addressing energy matters before the PUC

- Hawaiian Electric Company, Inc.'s application for approval to commit funds to construct a new generating station (Docket No. 05-0145)
  - The DCA did not object to HECO's commitment of funds to purchase and construct the generating station, provided that HECO committed to using 100% biofuel as the fuel source. Act 162, SLH 2006, added a "biofuels" definition to HRS § 269-91.
  - Next step: Post-hearing briefs will be filed after the transcript from the evidentiary hearing is available.

# DCA's participation in recent dockets addressing energy matters before the PUC

- HECO's demand-side management and energy efficiency proceeding (Docket No. 05-0069)
  - The DCA recommended:
    - The adoption of energy efficiency standards by the PUC on an island-by-island basis through the utilities' IRP processes;
    - A third party administrator be used to design, implement, and monitor all demand-side and energy efficiency programs offered by HECO, HELCO, and MECO (Act 162, SLH 2006, provided the PUC with the authority to appoint a third party administrator to operate and manage any energy efficiency or demand-side management programs established);
    - The approval of HECO's proposed demand-side management programs; and
    - The cessation of incentives to encourage electric utilities to pursue demand-side management and energy efficiency programs.
  - Next step: Final decision and order by the PUC.

# DCA's participation in recent dockets addressing energy matters before the PUC

- PUC's net energy metering investigative docket (Docket No. 2006-0084)
  - Next step: The DCA and the other parties to the docket will prepare preliminary statements of positions by February 16, 2007.
- PUC's Pay as You Save investigative docket (Docket No. 2006-0425)
  - Next step: The DCA and the other parties to the docket will hold a technical meeting on January 26, 2007 to discuss the proposed tariffs and transmittals filed by the electric utilities on December 29, 2006, in compliance with the PUC's order and Act 240, SLH 2006.

# DCA's participation in recent dockets addressing energy matters before the PUC

- HECO's Integrated Resource Planning docket (Docket No. 03-0253)
  - Currently: The DCA is working with the other parties to this docket to determine how this planning process may be significantly improved.
- PUC's Renewable Portfolio Standard docket (Docket No. 2007-0008)
  - On January 11, 2007, the PUC opened an investigative docket to examine Hawaii's Renewable Portfolio Standards law, as amended by Act 162, SLH 2006.
  - Next step: The DCA will submit a preliminary statement of position on April 23, 2007 to the PUC.

# DCA's Reorganization

- The DCA's staff (as currently organized) is made up of engineers, attorneys, auditors, statisticians, other analysts, an educational specialist, and support staff.
- The DCA is seeking approval to reorganize the division to provide for more generic position and class descriptions to allow for more flexibility in the DCA's ability to hire, retain, and compensate employees. More detail about the reorganization can be found in the report submitted to the Legislature in compliance with Act 143, SLH 2006.

# Act 143, SLH 2006

- The DCA filed a report on December 28, 2006, in compliance with Act 143. An electronic copy may be found on the DCA's website: <http://www.hawaii.gov/dcca/areas/dca/main/reports>
- Two legislative proposals likely will be submitted pursuant to Act 143:
  - CCA-03(07), which seeks to increase the statutory maximum number of exempt positions from four to ten and to provide appropriations for two positions for which there is currently no funding.
  - CCA-34(07), which seeks an emergency appropriation of \$250,000 for the DCA to hire expert consultants to assist in the investigation of the power outages that occurred on October 15, 2006, on the islands of Oahu, Maui, and Hawaii.

# Division of Consumer Advocacy

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