02-25-09

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

- - - - In the Matter of - - - -	)	Docket No. 2008-0273
	)	
PUBLIC UTILITIES COMMISSION	)	
	)	
	)	
Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs	)	
	)	
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PUBLIC UTILITIES COMMISSION

SOPOGY

OPENING STATEMENT OF POSITION

AND

CERTIFICATE OF SERVICE

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OF THE STATE OF HAWAII

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SOPOGY

OPENING STATEMENT OF POSITION

Sopogy Inc. (Sopogy) respectfully offers its Opening Statement of Position regarding the implementation of feed in tariffs for Hawaiian Electric Company. Inc., Maui Electric Company Ltd. and the Hawaii Electric Light Company, Ltd. (collectively: HECO Companies).

Sopogy is in general support of the SCHEDULE FIT attached to this statement but with the recommended changes as indicated by the markups in the attached document. Specific areas with modification and / or clarification include:

1. A change to the definition of "Concentrating Solar Power Facility" to simplify the definition and focus it on concentrating solar thermal technologies. The recommended change to the Photovoltaic definition in #3 below accommodates Concentrating Photovoltaic.

2. A change to the definition of "Hybrid Facility" by changing "two or more" to "one or more" in order to recognize that a hybrid facility may encompass the use of renewable fuels or a mix of renewable and conventional fuels in order to provide scheduled or firm power to the utility. Such hybrid systems will allow a greater overall penetration of renewables onto Hawaii's island grids. Establishing rate structures and requirements for such mixed fuel facilities, however, will require further discussion.

3. A change to the definition of "Photovoltaic Generating Facility". Removing the words "unconcentrated Solar Radiation" and replacing with "sunlight" allows Concentrating Photovoltaic to be covered under this definition.

4. Changes to the rate tables for Concentrating Solar Power Facilities. The rates have been modified to reflect parity with Photovoltaic Generating Facility rates. Sopogy supports either a fixed feed-in tariff rate as listed in the attached document, or a starting feed-in tariff rate with a fixed annual escalator. In either case, Sopogy requests that the rates for solar technologies – both PV and CSP – be equivalent for each island and across the relevant project size ranges so as to establish a level playing field amongst the solar technologies within the Hawaii market.

Sopogy supports the efforts made in the attached SCHEDULE FIT document to establish rates across the other renewable technology sectors. However, Sopogy cannot at this time provide comments on the proposed rates for these other renewable technologies.

DATED: February 25, 2009, Honolulu, Hawaii

VP Technology & Strategic Supply, SOPOGY

SCHEDULE FIT

Feed-in Tariff – Purchases from Renewable Energy Generating Facilities

Definitions:

For the purposes of this Schedule:

(1) "Biogas" means a gaseous fuel produced by anaerobic decomposition of organic matter.

(2) "Biomass" means aquatic or terrestrial plant material, vegetation, or agricultural waste, originating in the State of Hawaii, used as a fuel or energy source.

(3) "Company" means Hawaiian Electric Company, Inc.

(4) "Concentrating Solar Power Facility" means a Renewable Energy Generating Facility that ~~generates electricity by concentrating Solar Radiation to heat a working fluid that drives a generator~~ uses mirrors to concentrate the sun's heat in order to generate electricity.

(5) "Electrical Capacity" means the installed maximum potential alternating-current electricity generating capacity, in kilowatts, of a Renewable Energy Generating Facility.

(6) "Hybrid Facility" means a Renewable Energy Generating Facility that generates electricity from ~~two~~ one or more Renewable Energy Sources.

(7) "Hydropower" means the energy of moving water, including wave energy, ocean thermal energy conversion, and tidal energy.

(8) "Non-Wood-Burning Generating Facility" means a Renewable Energy Generating Facility that generates electricity from Biomass and that is not a Wood-Burning Generating Facility.

(9) "Offshore Wind Generating Facility" means a Wind Generating Facility that is located in an ocean water depth of at least 20 meters.

(10) "Onshore Wind Generating Facility" means any Wind Generating Facility that is not an Offshore Wind Generating Facility.

(11) "Photovoltaic Generating Facility" means a Renewable Energy Generating Facility that generates electricity from ~~unconcentrated Solar Radiation~~ sunlight.

(12) "Renewable Energy" means electricity generated by a Renewable Energy Generating Facility from a Renewable Energy Source.

(13) "Renewable Energy Generating Facility" means any identifiable facility, plant, installation, project, equipment, apparatus, or the like, located in the State of Hawaii, placed in service after the effective date of this Schedule, and that generates Renewable Energy from a Renewable Energy Source.

(14) "Renewable Energy Generator" means any person that owns, controls, operates, manages, or uses a Renewable Energy Generating Facility to produce Renewable Energy from a Renewable Energy Source.

(15) "Renewable Energy Source" means the following sources of energy:

(a) Biomass;
(b) Biogas;
(c) Geothermal Energy;
(d) Landfill Gas;
(e) Sewage Treatment Plant Gas;
(f) Hydropower;
(g) Solar Radiation;
(h) Wind.

(16) "Wood-Burning Generating Facility" means a Renewable Energy Generating Facility that burns wood to generate electricity.

(17) "Wind Generating Facility" means a Renewable Energy Generating Facility that generates electricity from Wind.

Interconnection

At the request of a Renewable Energy Generator that places a Renewable Energy Generating Facility in service, the Company shall interconnect such Renewable Energy Generating Facility to the electric system of the Company, provided that technical requirements set forth in the Company's Rules relating to interconnection of generating facilities with the Company's electric system, as approved by the Public Utilities Commission, are met. Costs incurred by the Company to meet technical requirements of interconnection shall be allocated so that those costs that benefit a Renewable Energy Generating Facility are borne by the Renewable Energy Generator that uses the Renewable Energy Generating Facility to produce Renewable Energy, in conformity with orders of the Public Utilities Commission relating to distributed generation in the State of Hawaii. Each of the Company and the Renewable Energy Generator shall disclose to the other, within 6 weeks of a request by the other, any and all data, relating to the electric system of the Company or the Renewable Energy Generating Facility of the Renewable Energy Generator, necessary to plan and execute such interconnection in conformity with such technical requirements.

A Renewable Energy Generating Facility shall be designed to operate in parallel with the Company's electric system without adversely affecting the operations of its customers and without presenting safety hazards to personnel of the Company or its customers. The Renewable Energy Generator shall furnish, install, operate and maintain facilities such as relays, switches, synchronizing equipment, monitoring equipment and control and protective devices designated by the Company and specified in the standard Schedule FIT Agreement ("Schedule FIT Agreement") as suitable for parallel operation with the electric system of the Company. The Renewable Energy Generating Facility and systems interconnecting the Renewable Energy Generating Facility with the Company's electric system must be in compliance with all applicable safety and performance standards of the National Electric Code (NEC), the Institute of Electrical and Electronics Engineers (IEEE), and the Company's requirements for distributed generation interconnected with the Company's electric system as provided in the Company's Rules, and subject to any other requirements, including payments, as provided in the Schedule FIT Agreement.

Requests to interconnect a Renewable Energy Generating Facility in parallel with the Company's electric system will be processed in accordance with the procedures in Appendix II.

Schedule FIT Agreement:

The Company shall offer a Schedule FIT Agreement, in the form provided in Appendix I, to any Renewable Energy Generator that requests interconnection of a Renewable Energy Generating Facility to the electric system of the Company under this Schedule. Each such Schedule FIT Agreement shall oblige the Company to take all Renewable Energy generated by the Renewable Energy Generating Facility and made available to the electric system of the Company, and shall oblige the Company to purchase and pay for such Renewable Energy at the feed-in tariff rate of compensation (in cents per kilowatt-hour) set forth in this Schedule. The Company shall compensate the Renewable Energy Generator for such Renewable Energy in an amount no less than the number of kilowatt-hours of such Renewable Energy multiplied by such rate of compensation.

With respect to Renewable Energy generated by a Hybrid Facility and delivered to the electric system of the Company, each such Schedule FIT Agreement shall oblige the Company to take all such Renewable Energy, and shall oblige the Company to purchase and pay for such Renewable Energy generated by the Hybrid Facility from each Renewable Energy Source at the feed-in tariff rate of compensation (in cents per kilowatt-hour) for such Renewable Energy set forth in this Schedule.

Procedures for requesting and executing a Schedule FIT Agreement are provided in Appendix II to this Schedule.

Metering:

The Company, at its expense, shall install a meter to record the flow of Renewable Energy delivered to the electric system of the Company. The Renewable Energy Generator shall, at its expense, provide, install and maintain all conductors, service switches, fuses, meter sockets, meter instrument transformer housing and mountings, switchboard meter test buses, meter panels and similar devices required for service connection and meter installations on the premises of the Renewable Energy Generating Facility in accordance with the Company's Rules.

Any energy delivered to a Renewable Energy Generator by the Company will be metered separately from any Renewable Energy delivered by the Renewable Energy Generator to the Company, either by use of multiple meters or a meter capable of separately recording the net inflow and outflow of electricity.

Purchase of Renewable Energy Delivered by a Renewable Energy Generator to the Company:

The Company shall pay for each kilowatt-hour ("kWh") of Renewable Energy delivered to the Company by a Renewable Energy Generator as follows. The capacity limits stated below shall not limit or pertain to the gross output of the Renewable Energy Generating Facility.

Renewable Energy Source: Biomass	
Wood-Burning Generating Facility Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 150 kW	17.18
> 150 kW and ≤ 500 kW	13.51
> 500 kW and ≤ 5000 kW	12.18
> 5000 kW	11.45

Renewable Energy Source: Biomass	
Non-Wood-Burning Generating Facility Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 150 kW	28.00
> 150 kW and ≤ 500 kW	24.00
> 500 kW and ≤ 5000 kW	22.00
> 5000 kW	21.00

Renewable Energy Source: Biogas	
Renewable Energy Generating Facility Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 150 kW	17.18
> 150 kW and ≤ 500 kW	13.51
> 500 kW and ≤ 5000 kW	12.18
> 5000 kW and ≤ 20000 kW	11.45

Renewable Energy Source: Geothermal Energy	
Renewable Energy Generating Facility Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10000 kW	23.49
> 10000 kW	15.41

Renewable Energy Source: Landfill Gas or Sewage Treatment Plant Gas	
Renewable Energy Generating Facility Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	13.21
> 500 kW and ≤ 5000 kW	9.10

Renewable Energy Source: Hydropower	
Renewable Energy Generating Facility Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	18.60
> 500 kW and ≤ 2000 kW	12.70
> 2000 kW and ≤ 5000 kW	11.23
> 5000 kW and ≤ 10000 kW	8.62
> 10000 kW and ≤ 20000 kW	7.93
> 20000 kW and ≤ 50000 kW	5.86

> 50000 kW	4.70

Renewable Energy Source: Solar Radiation	
Photovoltaic Generating Facility Located on Oahu Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	47.9
≥ 10 kW and ≤ 100 kW	43.6
≥ 100 kW and ≤ 500 kW	39.6
≥ 500 kW and ≤ 5000 kW	36.3
≥ 5000 kW	33.0

Renewable Energy Source: Solar Radiation	
Photovoltaic Generating Facility Located on Maui Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	52.7
≥ 10 kW and ≤ 100 kW	47.9
≥ 100 kW and ≤ 500 kW	43.6
≥ 500 kW and ≤ 5000 kW	39.9
≥ 5000 kW	36.3

Renewable Energy Source: Solar Radiation	
Photovoltaic Generating Facility Located on Molokai Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	57.5
≥ 10 kW and ≤ 100 kW	52.3
≥ 100 kW and ≤ 500 kW	47.5
≥ 500 kW and ≤ 5000 kW	43.6

Renewable Energy Source: Solar Radiation	
Photovoltaic Generating Facility Located on Lanai Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	57.5
≥ 10 kW and ≤ 100 kW	52.3
≥ 100 kW and ≤ 500 kW	47.5
≥ 500 kW and ≤ 5000 kW	43.6

Renewable Energy Source: Solar Radiation	
Photovoltaic Generating Facility Located on Hawaii Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	53.7
≥ 10 kW and ≤ 100 kW	48.8
≥ 100 kW and ≤ 500 kW	44.4
≥ 500 kW and ≤ 5000 kW	40.7
≥ 5000 kW	37.0

Renewable Energy Source: Solar Radiation	
Concentrating Solar Power Facility Located on Oahu Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	~~33.0~~ 39.6
> 500 kW and ≤ 5000 kW	~~28.0~~ 36.3
> 5000 kW and ≤ 10000 kW	~~25.0~~ 33.0
> 10000 kW and ≤ 20000 kW	~~22.0~~ 30.0

Renewable Energy Source: Solar Radiation	
Concentrating Solar Power Facility Located on Maui Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	~~35.0~~ 43.6
> 500 kW and ≤ 5000 kW	~~30.0~~ 39.9
> 5000 kW and ≤ 10000 kW	~~27.0~~ 36.3
> 10000 kW and ≤ 20000 kW	~~25.0~~ 34.3

Renewable Energy Source: Solar Radiation	
Concentrating Solar Power Facility Located on Molokai Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	~~38.0~~ 47.5
> 500 kW and ≤ 5000 kW	~~33.0~~ 43.6

Renewable Energy Source: Solar Radiation	
Concentrating Solar Power Facility Located on Lanai Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	~~40.0~~ 47.5
> 500 kW and ≤ 5000 kW	~~35.0~~ 43.6

Renewable Energy Source: Solar Radiation	
Concentrating Solar Power Facility Located on Hawaii Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 500 kW	~~37.0~~ 44.4
> 500 kW and ≤ 5000 kW	~~32.0~~ 40.7
> 5000 kW and ≤ 10000 kW	~~29.0~~ 37.0
> 10000 kW and ≤ 20000 kW	~~27.0~~ 35.0

Renewable Energy Source: Wind	
Onshore Wind Generating Facility Located on Oahu Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	37.3
> 10 kW and ≤ 50 kW	31.9
> 50 kW and ≤ 250 kW	31.9
> 250 kW and ≤ 500 kW	31.9
> 500 kW and ≤ 1000 kW	30.6
> 1000 kW and ≤ 2500 kW	29.2
> 2500 kW and ≤ 5000 kW	27.9
> 5000 kW and ≤ 20000 kW	26.6

Renewable Energy Source: Wind	
Onshore Wind Generating Facility Located on Maui Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	40.3
> 10 kW and ≤ 50 kW	34.9
> 50 kW and ≤ 250 kW	34.9
> 250 kW and ≤ 500 kW	34.9
> 500 kW and ≤ 1000 kW	33.6
> 1000 kW and ≤ 2500 kW	32.2
> 2500 kW and ≤ 5000 kW	30.9
> 5000 kW and ≤ 20000 kW	29.6

Renewable Energy Source: Wind	
Onshore Wind Generating Facility Located on Molokai Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	43.3
> 10 kW and ≤ 50 kW	37.9
> 50 kW and ≤ 250 kW	37.9
> 250 kW and ≤ 500 kW	37.9
> 500 kW and ≤ 1000 kW	26.6
> 1000 kW and ≤ 2500 kW	35.2
> 2500 kW and ≤ 5000 kW	33.9
> 5000 kW and ≤ 20000 kW	32.6

Renewable Energy Source: Wind	
Onshore Wind Generating Facility Located on Lanai Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	44.3
> 10 kW and ≤ 50 kW	38.9
> 50 kW and ≤ 250 kW	38.9
> 250 kW and ≤ 500 kW	38.9
> 500 kW and ≤ 1000 kW	37.6
> 1000 kW and ≤ 2500 kW	36.2
> 2500 kW and ≤ 5000 kW	34.9
> 5000 kW and ≤ 20000 kW	33.6

Renewable Energy Source: Wind	
Onshore Wind Generating Facility Located on Hawaii Electrical Capacity (kW)	Feed-in Tariff Rate (¢/kWh)
≤ 10 kW	40.3
> 10 kW and ≤ 50 kW	34.9
> 50 kW and ≤ 250 kW	34.9
> 250 kW and ≤ 500 kW	34.9
> 500 kW and ≤ 1000 kW	33.6
> 1000 kW and ≤ 2500 kW	32.2
> 2500 kW and ≤ 5000 kW	30.9
> 5000 kW and ≤ 20000 kW	29.6

Renewable Energy Source: Wind	
Offshore Wind Generating Facility Years of Agreement Term	Feed-in Tariff Rate (¢/kWh)
Years 1 through 12	22.02
Years 13 through 20	5.14

The Commission shall periodically adjust the Schedule FIT feed-in tariff rates of compensation in accordance with the procedures provided in Appendix III of this Schedule. The Renewable Energy Generator shall receive the feed-in tariff rate of compensation in effect at the time of execution of the Schedule FIT Agreement for the entire term of the Schedule FIT Agreement.

Term of Schedule FIT Agreement:

The term of the Schedule FIT Agreement will be as follows, commencing on the initial delivery of Renewable Energy under the Schedule FIT Agreement from the Renewable Energy Generator to the Company:

Renewable Energy Source	Term of Agreement
Biomass	20 years
Biogas	20 years
Geothermal Energy	20 years
Landfill Gas	20 years
Sewage Treatment Plant Gas	20 years
Hydropower	20 years
Solar Radiation	20 years
Wind	20 years

Net Energy Metering

A Renewable Energy Generator that is eligible to enter into a net energy metering agreement with the Company shall have a choice of either (1) entering into a net energy metering agreement with the Company, or (2) entering into a Schedule FIT Agreement with the Company.

Penetration Limits for Intermittent Renewable Energy Sources

The obligations of the Company to interconnect a Renewable Energy Generating Facility to the Company's electric system and to offer an Schedule FIT Agreement to a Renewable Energy Generator to purchase and pay for Renewable Energy at a feed-in tariff rate of compensation under this Schedule shall not apply with respect to Renewable Electricity produced by a Renewable Energy Generating Facility that is (i) a Wind Generating Facility, and that is placed in service after December 31 of the year following the year during which the aggregate Electrical Capacity of Renewable Energy Generating Facilities that are Wind Generating Facilities as to which technical requirements for interconnection have been met equals or exceeds 25 per cent of the peak demand for such electrical system, provided that the Public Utilities Commission may increase, by rule or order, such aggregate Electrical Capacity limit above 25 per cent of such peak demand, or (ii) a Photovoltaic Generating Facility or a Concentrating Solar Generating Facility, and that is placed in service after December 31 of the year following the year during which the aggregate Electrical Capacity of Renewable Energy Generating Facilities that are Photovoltaic Generating Facilities or Concentrating Solar Generating Facilities as to which technical requirements for interconnection have been met equals or exceeds 50 per cent of the peak demand for such electrical system, provided that the Public Utilities Commission may increase, by rule or order, such aggregate Electrical Capacity limit above the above-referenced 25 per cent and 50 per cent peak demands.

Queuing Procedures:

Requests for interconnection of Renewable Energy Generating Facilities under this Schedule shall be administered on a first-ready, first-to-interconnect basis, modeled after the queuing procedures proposed by the Midwest Independent Transmission System Operator, Inc. ("Midwest ISO") and conditionally accepted by the Federal Energy Regulatory Commission. *See* 124 FERC ¶ 61,183, Midwest Independent Transmission System Operator, Inc., docket No. ER08-1169-000, Order Conditionally Accepting Tariff Revisions and Addressing Queue Reform, August 25, 2008.

Renewable Energy Certificates:

Any certificate, credit, allowance, green tag, or other transferable indicia or environmental attribute, verifying the generation of a particular quantity of energy from a

Renewable Energy Source, indicating the generation of a specific quantity of Renewable Energy by a Renewable Energy Generating Facility, or indicating a Renewable Energy Generator's ownership of any environmental attribute associated with such generation, is the property of the Renewable Energy Generator and freely assignable by the Renewable Energy Generator.

CERTIFICATE OF SERVICE

The foregoing SOPOGY Response was served on the date of filing by Hand Delivery or electronically transmitted to each such Party as follows.

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DATED: Honolulu, Hawaii, February 25, 2009