

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))
MAUI ELECTRIC COMPANY, LIMITED)) DOCKET NO. 2020-0142
For Approval of Power Purchase))
Agreement for Renewable))
Dispatchable Generation with))
Kahana Solar, LLC.))

ORDER NO. 37967

INSTRUCTING THE PARTIES AND PARTICIPANTS TO EXPLORE MEDIATION

regarding the proposed power purchase agreement ("PPA") and underlying project ("Project").

On September 14 and 15, 2021, the Commission held a virtual evidentiary hearing on Maui Electric's application for approval of the PPA between Maui Electric and Kahana Solar.² At the hearing, during cross-examination of witnesses, it became apparent that while various concerns about the Project remained, that the Parties and Participants were open to the possibility of further discussions. As a result, at the close of the hearing, the Commission directed the Parties and Participants to discuss the possibility of mediation and to report back to the Commission within one week's time, i.e., by September 23, 2021, on the status of those discussions. The Commission clarified that if mediation efforts are pursued, they should be concluded within a 30-day period, i.e., by October 15, 2021, in light of the advanced stage of the proceeding. The Commission further clarified that it would be issuing a written order memorializing these instructions.

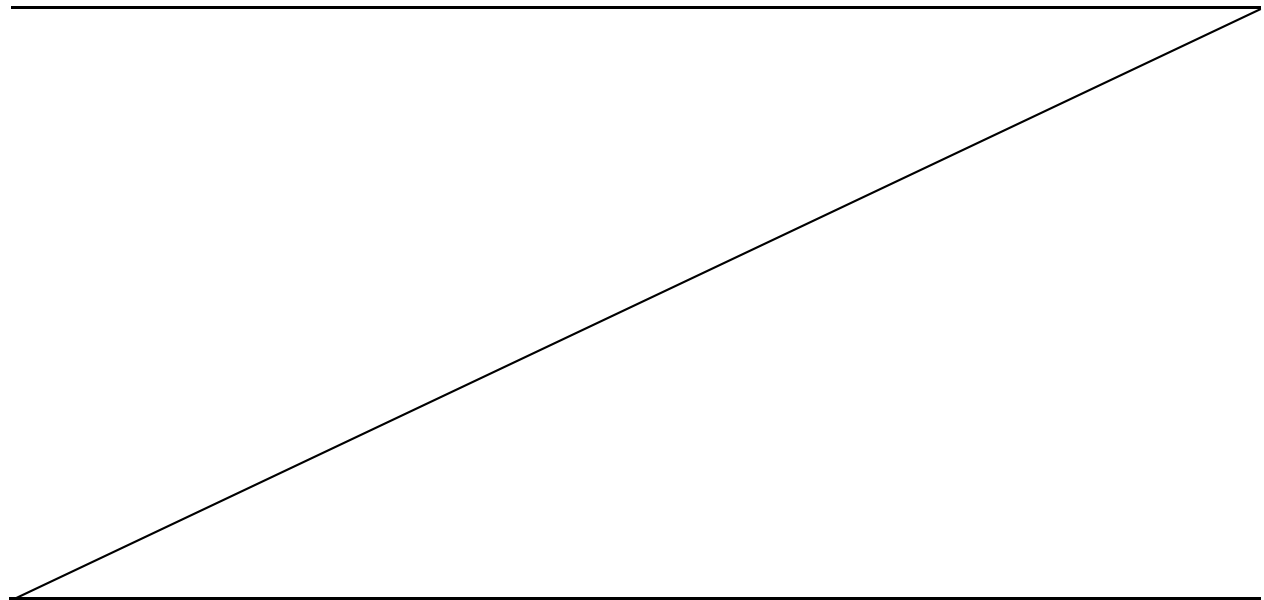
Pursuant to the above, the Commission instructs the Parties and Participants to explore the possibility of mediation as a way to discuss, and potentially reach agreement on, issues raised at the hearing about the PPA and/or the Project.

²See Procedural Order No. 37670, filed March 10, 2021; and Order No. 37951, "Prehearing Conference Order," filed September 3, 2021.

The Parties and Participants shall file a written report on the status of these discussions in this docket by September 23, 2021. The Parties and Participants may file a joint status update or separate updates. Based on this update, the Commission may modify the procedural schedule, including the deadline for post-hearing briefing.

If the Parties and Participants pursue mediation, it should be concluded by October 15, 2021. The results of the mediation, including whether any agreement(s) were reached by and between any of the Parties and Participants, shall be filed in this proceeding by October 15, 2021.

The Commission will not be involved in any mediation efforts. If mediation is pursued, the Parties and Participants will be responsible for the selection and payment of the mediator, scheduling of the mediation, and other related matters.



THE COMMISSION ORDERS:

1. The Parties and Participants shall file an update on the status of their mediation discussions in this docket by September 23, 2021.


2. If mediation is pursued, it shall follow the conditions set forth, above.

DONE at Honolulu, Hawaii SEPTEMBER 17, 2021.

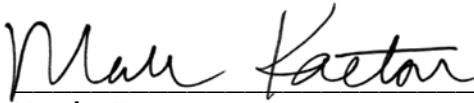
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
James P. Griffin, Chair

By 
Jennifer M. Potter, Commissioner

By 
Leodoloff R. Asuncion, Jr., Commissioner

APPROVED AS TO FORM:


Mark Kaetsu
Commission Counsel

2020-0142.ljk

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.

FILED

2021 Sep 17 AM 08:46

PUBLIC UTILITIES
COMMISSION

The foregoing document was electronically filed with the State of Hawaii Public Utilities Commission's Document Management System (DMS).