

Rule 33

Bring Your Own Device Program (BYOD)

A. DEFINITIONS

For the purposes of this Rule, the following terms and definitions apply. If there is a conflict between the definitions in this Rule and any other Rule, the definitions provided in this section shall prevail.

Account Holder – Customer that has an active account with the utility and is the payer of the utility bill.

Advanced Meter Infrastructure (AMI) – Electric meters that enable two-way data sharing between the Account Holder’s premise and Hawaiian Electric through a secure wireless communications network.

API – Application Programming Interface.

Bring Your Own Device (BYOD) Program – Grid service program for any Customer-sited Resources that fulfills the programmatic requirements described in this tariff.

Capacity Performance Incentive – a monthly incentive paid to the Account Holder for their grid service performance during a Dispatch Period.

Commission – Shortform of Hawaii’s Public Utilities Commission.

Company – Shortform of Hawaiian Electric Company which includes Maui Electric and Hawaii Electric Light.

Customer Interconnection Tool (CIT) – A web-based application tool for customers to sign up for a Distributed Energy Resources (DER) program or grid services program.

Customer-sited Resource – Appliances or devices qualified for participation in a grid services program.

DERMS – Distributed Energy Resources Management System.

Discharge – Release of stored or gated energy from a generator or energy storage device.

Dispatch – Operation of a resource initiated remotely by the utility.

Dispatch Agent – a third party entity on utility’s qualified list that receives the utility signal and sends over to their participating Customer-sited Resources.

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Dispatch Period – a specific date, time, and duration set by the Company requesting the delivery of grid services.

Distributed Energy Resource (DER) – Customer-sited appliances or devices that allows their users to manage their energy usage.

Eligible Customer-sited Resource Operator – Account Holder or third-party owner responsible for the operation of the participating resource.

Form W-9 (W-9) – Form that is required to fulfill the federal tax requirements as monetary incentives are taxable item. Annual monetary incentives above \$600 will be reported to the federal government.

Grid Service Export Credit – a monthly credit added to the Account Holder’s bill to reflect exported energy (kWh) during the Dispatch Period available for Smart Renewable Energy Program.

Grid Services Purchase Agreement (GSPA) – A contractual agreement between the company and an aggregator to deliver grid services of contracted amount (kW).

Operational Date – The first day the Eligible Customer-sited Resource Operator provides operational performance data for the verification process.

Committed Capacity –Capacity (kW) amount that Eligible Customer-sited Resource Operator commits to deliver during a dispatch event.

Remote Dispatch – Dispatch method where the Customer-sited Resource participates in delivering grid services by receiving a control signal from a utility.

Scheduled Dispatch – Dispatch method where the Customer-sited Resource is scheduled to deliver grid services every day and does not require a signal from the utility.

Scheduled Dispatch Program – A customer-sited battery program that preceded the BYOD programs and operates very similarly to BYOD Level 1 where batteries discharges every day on a schedule.

Smart DER Tariff (also known as the Smart Renewable Energy Program) – Long-term Distributed Energy Resource (DER) programs open to all project sizes under Export or Non-Export. Installation of an Advanced Meter Infrastructure (AMI) and participation in Time-of-use (TOU) rates are required.

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Time-of-use Rates (TOU) – Electrical rates varying by time period, also known as Shift and Save.

Upfront Incentive – a one-time monetary incentive that is paid to the Eligible Customer-sited Resource Operator for signing up to participate in a grid service program.

B. AVAILABILITY FOR CUSTOMER-SITED RESOURCES

Bring Your Own Device (“BYOD”) participation is available to any Customer-sited Resources that are able to fulfill the programmatic requirements.

1. BYOD will begin enrollment on April 1, 2024 and enrollment will be available until total enrolled BYOD capacity (inclusive of Levels 1, 2, and 3) reaches 70 megawatts (“MW”) on Oahu, 17 MW on Hawai‘i island, 17 MW on Maui, 1.45 MW on Lana‘i, and 1.45 MW on Moloka‘i, unless otherwise ordered by the Commission.
2. Customers transitioning a battery storage system from the Scheduled Dispatch Program or Grid Services Purchase Agreement into the BYOD program will not reduce the available BYOD capacity listed in paragraph B.1.
3. The Company shall file with the Commission a notification when the combined BYOD Levels 1, 2 and 3 capacity reaches 50%, 75%, and 90% of the approved capacity cap listed in paragraph B.1 for each island.
4. BYOD is a ten-year program (April 1, 2024 – March 31, 2034), subject to Commission modification and approval.
5. BYOD Program has three separate levels (Level 1, 2, and 3) further described in each Rider below in this Rule 33.

As of April 1, 2024, the program is able to enroll the following Customer-sited Resources. The list will be updated as additional devices become available for participation in BYOD Programs.

BYOD eligible devices:

- battery storage system charged from the Eligible Customer-sited Resource Operator’s renewable generating facility under the Company’s Net Energy Metering (“NEM”), NEM Plus, Customer Self-Supply, Customer Grid-Supply, Customer Grid-Supply Plus, Smart Export, Smart Renewable Energy Export Program, or Standard Interconnection Agreement programs as described in Rule Nos. 18, 22, 23, 24, 25, 27, 32 and Rule 14H Appendix II, respectively (“Customer-sited Resources”) (Minimum Committed Capacity: 1kW)

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C. AVAILABILITY AND ENROLLMENT FOR BATTERY STORAGE

BYOD Program participation is available to new and existing Eligible Customer-sited Resource Operators who own and operate a BYOD eligible battery storage system where:

1. New Eligible Customer-sited Resource Operators may submit a Smart Renewable Energy Program application and Existing Eligible Customer-sited Resource Operators may submit an amendment to their underlying DER tariff agreement via the Customer Interconnection Tool (“CIT”), and select BYOD as their new enrollment.
2. New and Existing Eligible Customer-sited Resource Operators shall specify in the CIT application which BYOD Level it is participating in and the Committed Capacity.
 - a. If BYOD 1 is selected: Eligible Customer-sited Resource Operators will also need to select their preferred start time to the Dispatch Period from several options provided by the Company.
3. Participation could be directly with the Company or via a Dispatch Agent, and
4. Participation in BYOD Program with Eligible Customer-sited Resource Operators does not allow for customers to participate in another grid services program that offers monetary compensation for grid services provided to the Company, unless the total combined capacity is less than the total DER capacity at the Customer site and the participating capacities for each program are operated mutually exclusive of each other.

D. METERING AND BILLING FOR CUSTOMER-SITED RESOURCES

1. BYOD participation requires an AMI meter. If Customer does not have an AMI meter, the Company will supply, install, own, and maintain all necessary meters and associated equipment utilized for billing, energy purchase, and performance auditing. The meters will be tested and read in accordance with the rules of the Commission and the Company.
2. BYOD participation will be served on an applicable ARD TOU rate schedule unless the customer elects to opt out of service on ARD TOU rates prior to receiving service under the BYOD Program; provided further that while receiving service under the BYOD Program, such customer served on ARD TOU rates may decline participation in the Company’s ARD TOU rate schedule with notice and revert back to their previous applicable rate schedule at the beginning of a subsequent billing period; provided further that if there is no applicable ARD TOU rate schedule, the BYOD customer shall be served on their existing non-ARD TOU rate schedule.
3. As applicable, energy exported to the grid from the Customer-sited Resource during a BYOD dispatch event will be measured as grid services export (kWh) separate from the exports during normal operation defined as non-grid services export (kWh).

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4. Account Holder will be granted program incentives starting from the next billing period following ten business days after pertinent agreement or amendment is executed.

E. FAILURE TO PERFORM

If the Company identifies concerns or issues relating to the performance of Customer-sited Resource, Eligible Customer-sited Resource Operator, or the Dispatch Agent, including, without limitation, potential non-compliance with this Rule and Riders, the Company may conduct a performance audit to monitor and document conditions.

1. The Company shall provide the Eligible Customer-sited Resource Operator or Dispatch Agent written or digital notice at least seven (7) days in advance of any performance audit.
2. The Company shall provide the Eligible Customer-sited Resource Operator or Dispatch Agent written or digital notice regarding any inquiry regarding failure to perform by the Eligible Customer-sited Resource Operator or the Customer-sited Resource.
3. If requested, Eligible Customer-sited Resource Operators or Dispatch Agent are required to provide five (5) minute interval if possible, or fifteen (15) minute interval data as necessary to verify operation of Customer-sited Resource as specified in each of the Rider within 10 business days of request from Company.
4. The Eligible Customer-sited Resource Operator will have 30 days from the date of such notice of Failure to Perform to cure the non-compliance. The Company reserves the right to stop incentive payments if non-compliance is not addressed.
5. If the non-compliance continues for a duration of 6 months, the Company will automatically terminate the Eligible Customer-sited Resource Operator's participation to BYOD. Customer is eligible to re-apply into any of the BYOD programs after 6 months from the day of termination.

F. TRANSITION

1. Eligible Customer-sited Resource Operator may transition to another BYOD Level once per year following the first year of program participation. The transition will be effective on the first day of the Account Holder's next billing cycle. The transition date shall be the date that the Company's enrollment system is updated.
2. Eligible Customer-sited Resource Operator transitioning from one BYOD Level to another will not be eligible for the Upfront Incentive.
3. If the Eligible Customer-sited Resource Operator transitions over to BYOD from other grid services program such as the Scheduled Dispatch Program, the Eligible Customer-sited Resource Operator will not be eligible for an additional Upfront Incentive.

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G. TERMINATION

1. After fulfilling the three-year commitment to the program, the Eligible Customer-sited Resource Operator may terminate at any time, or a new Account Holder may assume, their BYOD Agreement with written or digital notice provided 30 days prior to the date of termination or assumption.
2. If termination by either the customer (Account Holder) or the Company pursuant to Section E, Failure to Perform occurs prior to completion of the three-year commitment, the Eligible Customer-sited Resource Operator shall return the prorated amount of Upfront Incentive compensation received.
3. If the Account Holder terminates their participation prior to fulfilling the three-year commitment, the Account Holder must wait six months before they may apply again to participate in the BYOD Program.

Rider: BYOD Level 1: Flexible User Dispatch

A. OPERATION FOR BATTERY STORAGE ELIGIBLE DEVICES

1. Eligible Customer-sited Resource Operators enrolled in BYOD Level 1 will deliver Capacity Load Reduction grid services where participating battery storage system will discharge for a specified duration of two (2) consecutive hours each day (“Dispatch Period”), for 365 days a year. See Section C for more details for the specification of Committed Capacity and selection of the Dispatch Period.
2. Energy discharged during the Dispatch Period from the battery storage system may serve onsite load or be exported to the grid.
4. BYOD Level 1 does not require connectivity to the Company, but Company’s preference is that the battery storage system has connection to the utility via IEEE

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2030.5 with direct control built into the inverter or connected gateway, via Dispatch Agent that is IEEE 2030.5 compliant, or via approved Dispatch Agent with verified connectivity to the Company's DERMS using an API. (See Section F above for Transition rules.) The Dispatch Agent must be qualified by the Company prior to performing the duties of a Dispatch Agent, except for testing purposes under mutual agreement between the Company and Dispatch Agent.

B. VERIFICATION PROCESS FOR BATTERY STORAGE ELIGIBLE DEVICES

1. The Eligible Customer-sited Resource Operator's start date for the one-year commitment begins on the battery storage system's Operational Date. The Operational Date is the first day (of the three consecutive days) the Eligible Customer-sited Resource Operator provides operational performance data of the Customer Battery Storage device in connection with, and meeting the requirements of, the verification process outlined in paragraph B.2 below.
2. To complete the verification process to BYOD Level 1 for battery storage, the Eligible Customer-sited Operator shall provide:
 - a. Operational proof of start time and discharge of 2-hour duration of the battery storage system.
 - b. Eligible Customer-site Resources Operator's Federal tax Form W-9 (if Customer-sited Resource Operator is a third-party owner, a Form W-9 is also required from the Account Holder).
 - c. Three (3) consecutive days of operational performance data in five (5) minute intervals if possible, or fifteen (15) minute intervals as necessary for the Company to verify the battery storage system's compliance with this Rider.
 - d. The Company shall be required to complete the verification review in parallel to the validation process in Section 1 of the Company's Rule 14H Appendix III Interconnection Process, upon receipt of such performance data from Eligible Customer-sited Resource Operator.
 - e. If verification is rejected, additional data is required, or concerns are expressed regarding the operational performance data, the review process time is refreshed at each instance aligned to the validation process in Section 1 of the Company's Rule 14H Appendix III Interconnection Process.
3. If the Eligible Customer-sited Operator is participating via a qualified Dispatch Agent, the verification process shall also follow the verification process outlined below and shall also provide:
 - a. Confirmation that Customer-sited Resource is connected to the appropriate head-end system (Company or Dispatch Agent's head-end system). For Dispatch Agent, this could be a screenshot of the head-end system showing connectivity to the Customer-sited Resource. Customer-sited Resources connected directly to the
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Company's head-end system must provide the Long Form Device Identifier ("LFDI") to the Company to facilitate connectivity.

C. COMPENSATION FOR BYOD ELIGIBLE DEVICES

Eligible Customer-sited Resource Operator with BYOD eligible device(s) is compensated for participation in BYOD Level 1 through two incentives, a one-time Upfront Incentive for new BYOD eligible devices, and monthly Capacity Performance Incentive. Participants are also eligible for Grid Service Export Credit at either the applicable Smart Renewable Energy Program Evening Peak export rate or their underlying tariff rate, whichever is higher, as described further below.

Participants with the Smart Renewable Energy Program tariff rate shall have a monthly export compensation based on export measured at the AMI meter during the export event window. Compensation for these exports shall be calculated at the Smart Renewable Energy Program Evening Peak export rate.

Participants with an underlying tariff other than the Smart Renewable Energy Program shall have a fixed monthly export compensation based on an assumed export during the export event window. The calculation for the fixed compensation shall be consistent with the methodology of the Scheduled Dispatch Program calculation: Fixed monthly export credit = (Smart Renewable Energy Program Export Rider evening peak export rate – non-NEM DER tariff export rate (\$/kWh)) x Committed Capacity (kW) x 70% x 2 hours x 30 days. Should the non-NEM DER tariff export rate be higher than the Smart Renewable Energy Program evening peak export rate, no fixed monthly export credit will be added.

The Upfront Incentive is compensated at a rate of \$100 per kW of the customer's Committed Capacity, up to a maximum of \$500 per kW, for new BYOD eligible devices. A Low-Moderate Income (LMI) additional incentive is available for select LMI customers and is calculated by the customers Committed Capacity at a rate of \$100/kW capped at \$500 for a potential max Upfront Incentive of \$1,000. (As an option the interim LMI adder may be paid out monthly if requested by customer.) LMI for qualification purpose is anyone that has been identified as Low Income Home Energy Assistance Program (LIHEAP) and is actively registered with Hawaiian Electric when the customer applies for BYOD.

The monthly Capacity Performance Incentive is calculated as \$5 multiplied by the Committed Capacity each month for the term of the agreement.

Incentive Compensation	Frequency	Rates (Effective 4/1/24)

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Upfront Incentive	One-time	\$100/kW up to \$500 maximum ¹
Capacity Performance Incentive	Monthly	\$5/kW
Grid Service Export Credit	Monthly	Smart Renewable Energy Program Evening Peak Export Rate, or underlying tariff rate, whichever is higher

1. Eligible Customer-sited Resource Operator shall specify in its CIT application the capacity level (kW) committed from their battery storage system (“Committed Capacity”) during the Dispatch Period and select a time period for the Dispatch Period amongst several options provided in a dropdown list form in the CIT application.
2. The Eligible Customer-sited Resource Operator must demonstrate compliance as described in section B with this Rider prior to receiving any of the incentive compensation.
3. The one-time Upfront Incentive will be paid in full within 30 days of the Smart Renewable Energy Program Agreement or Amendment execution date. Payments shall be made directly to the Eligible Customer-sited Resource Operator.
4. The monthly Capacity Performance Incentive is earned based on the Committed Capacity delivered during BYOD events. The monthly Capacity Performance Incentive is calculated by multiplying the Committed Capacity by the Capacity Performance Incentive rate.
5. The monthly Capacity Performance Incentive and as applicable Grid Service Export Credit is applied to the Account Holder.
6. Unused Capacity Performance Incentives may be carried over onto the next billing cycle and could be cashed out at the Account Holder’s request during the year. If no such request is made, the Company will automatically cash out any remaining credits at the end of the calendar year.
7. Grid Service export credits will be carried forward until the end of BYOD program or when customer ends their participation at which time the Grid Service export credits will be forfeited by the customer. At the anniversary of the BYOD Program (e.g., April of each year), the Company will issue a check to customer for an equivalent dollar value of

¹ LMI customers as defined by participation in the Low Income Home Energy Assistance Program (LIHEAP) are eligible to receive an additional \$100 per kW up to a combined maximum of \$1000.

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the customer's grid service export credits (capped at 300 kWh multiplied by the applicable BYOD rate), and the customer's grid service export credits will be reduced by the corresponding amount of grid service export credits associated with the check.

8. Participating customers will be eligible for the monthly incentives for the duration of their program participation up to the end of BYOD program end date.

Rider

BYOD Level 2: Utility Dispatch (BYOD Level 2: Utility Dispatch is suspended and unavailable)

**THIS SECTION IS INTENTIONALLY LEFT BLANK AND IS SUBJECT TO
COMMISSION APPROVAL OF THIS RIDER**

Rider

BYOD Level 3: System Grid Service Program (BYOD Level 3: System Grid Service Program is suspended and unavailable)

**THIS SECTION IS INTENTIONALLY LEFT BLANK AND IS SUBJECT TO
COMMISSION APPROVAL OF THIS RIDER**

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