

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of)  
POWERLIGHT CORPORATION )  
For a Declaratory Ruling. )  
\_\_\_\_\_ )

DOCKET NO. 02-0182

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BY OF COUNSEL/REG  
DEPT. OF COMMERCE  
CONSULTING ASS.

ORDER NO. 19545

Filed August 28, 2002  
At 8:00 o'clock A .M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of)	)	
POWERLIGHT CORPORATION	)	Docket No. 02-0182
For a Declaratory Ruling.	)	Order No. 19545
_____	)	

ORDER

I.

By petition filed on July 17, 2002, POWERLIGHT CORPORATION (Petitioner) seeks a declaratory ruling on the applicability of Hawaii Revised Statutes § 269-1. Petitioner makes its request in accordance with Hawaii Administrative Rules (HAR) chapter 6-61, subchapter 16.

Copies of the petition were served on Hawaiian Electric Company, Inc. (HECO), and the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy. On July 31, 2002, Petitioner responded to the commission's first set of information requests.

On August 6, 2002, HECO, Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited, filed a joint motion to intervene, pursuant to HAR chapter 6-61, subchapter 4. Petitioner did not file any opposition or response to the motion to intervene.

On August 22, 2002, Petitioner responded to the commission's second set of information requests. Thereafter, the

commission recently issued its third set of information requests to Petitioner.

Upon review, the commission may issue a declaratory ruling on the applicability of any statute, administrative rule, or order of the commission. HAR §§ 6-61-159 & 6-61-160. The commission must act on the petition within 45 days after its submission. HAR § 6-61-162. Hence, the 45<sup>th</sup> day governing timely commission action is on or about August 30, 2002. Concomitantly, upon a finding of good cause shown, the commission may decline to issue a declaratory ruling. HAR § 6-61-164.

The commission, as part of its ongoing review, recently issued its third set of information requests to Petitioner. Under the circumstances, the commission finds good cause to refrain from issuing a declaratory ruling within the 45-day time frame, pending the commission's receipt and thorough review of Petitioner's responses to the latest set of information requests.<sup>1</sup>

## II.


THE COMMISSION DECLINES, at this time, to issue a declaratory ruling within the 45-day time frame set forth in HAR § 6-61-162, pending its receipt and review of PowerLight Corporation's responses to the commission's third set of information requests. Unless directed otherwise, further commission action will follow.

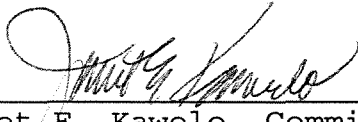
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<sup>1</sup>The commission will also, at a later date, address the joint motion to intervene.


DONE at Honolulu, Hawaii this 28th day of August, 2002.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

02-0182.sl1

CERTIFICATE OF SERVICE


I hereby certify that I have this date served a copy of the foregoing Order No.19545 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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\_\_\_\_\_  
Catherine Sakato

DATED: August 28, 2002