

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
WESTERN MOTOR TARIFF BUREAU, INC.)
To Increase Rates and Charges)
on Behalf of Motor Carriers)
Participating in WMTB's Passenger)
Carrier Tariff No. 8-C, Island)
of Oahu.)
WMTB Rate Notice No. 4322-8-C.)

DOCKET NO. 02-0362

ORDER NO. 19860

Filed December 6, 2002
At 9:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2002 DEC -6 P 3:58

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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 Application of))	
WESTERN MOTOR TARIFF BUREAU, INC.))	Docket No. 02-0362
To Increase Rates and Charges))	Order No. 19860
on Behalf of Motor Carriers))	
Participating in WMTB's Passenger))	
Carrier Tariff No. 8-C, Island))	
of Oahu.))	
WMTB Rate Notice No. 4322-8-C.))	
_____))	

ORDER

I.

On September 20, 2002, WESTERN MOTOR TARIFF BUREAU, INC. (WMTB) filed Rate Notice No. 4322-8-C, on behalf of motor carriers of passengers authorized to operate on the island of Oahu, and that participate in WMTB's Passenger Carrier Tariff No. 8-C. Specifically, WMTB seeks a five per cent across-the-board increase in its rates and charges for these Oahu-based member carriers. By Order No. 19692, filed on October 3, 2002, the commission: (1) suspended and placed under investigation WMTB's proposed tariff changes; and (2) named the Division of Consumer Advocacy as a necessary party.

On October 10, 2002, PC Services, Inc. and Polynesian Cultural Center (PCC) timely filed a joint motion to intervene. Among other things, PCC asserted that the information and data it was able to submit in this proceeding "will supplement [the] evidence pertaining to individual consumers and

will be critical to developing a comprehensive and complete record."

By Order No. 19741, filed on October 29, 2002, the commission denied intervention to PC Services, Inc., and granted intervention to PCC:

Upon review, it appears that WMTB's proposed increase in rates will directly impact Polynesian Cultural Center's operations. Thus, its allegations appear reasonably pertinent to the underlying issue in this proceeding. Accordingly, the commission will grant Polynesian Cultural Center's motion to intervene.

Thereafter, by Amended Prehearing Order No. 19736, filed on November 7, 2002, and Order No. 19782, filed on November 19, 2002, the commission incorporated PCC's status as a party intervenor.

The commission accommodated PCC's intervenor status by extending and setting new deadline dates in the schedule of proceedings. Nonetheless, PCC did not issue any information requests or otherwise participate in this proceeding. Instead, by notice filed on November 27, 2002, PCC seeks commission approval to withdraw as a party intervenor. PCC does not state any reasons for its withdrawal.

Upon review, the commission will: (1) approve this request; (2) dismiss PCC as an intervenor; and (3) amend its prehearing order by deleting the references to PCC.¹

¹In response to PCC's notice, WMTB, on November 29, 2002, withdrew its request to conduct discovery on PCC.

II.

THE COMMISSION ORDERS:


1. Polynesian Cultural Center's request to withdraw as an intervenor, filed on November 27, 2002, is approved. Polynesian Cultural Center is dismissed as an intervenor, effective from the date of this order.

2. Amended Prehearing Order No. 19736, filed on November 7, 2002, is amended by deleting the references to Polynesian Cultural Center. In all other respects, Amended Prehearing Order No. 19736 remains unchanged.

3. Order No. 19782, filed on November 19, 2002, is vacated.

DONE at Honolulu, Hawaii this 6th day of December, 2002.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By 
Gregg J. Kinkley, Commissioner


Michael Azama
Commission Counsel

CERTIFICATE OF SERVICE

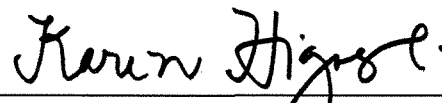
I hereby certify that I have this date served a copy of the foregoing Order No. 19860 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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Attorneys for POLYNESIAN CULTURAL CENTER



Karen Higashi

DATED: December 6, 2002