

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
PUHI SEWER & WATER CO., INC.)
)
For Review and Approval of Rate)
Increases; Revised Rate Schedules.)
_____)

DOCKET NO. 03-0383

ORDER NO. 20687

2003 NOV 28 P 4:05

RECEIVED

Filed November 26, 2003
At 9 o'clock A. .M.

Karike
for Chief Clerk of the Commission

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

for *Karike*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PUHI SEWER & WATER CO., INC.) Docket No. 03-0383
For Review and Approval of Rate) Order No. 20687
Increases; Revised Rate Schedules.)

ORDER

I.

Consumer Advocate's Statement of Position Regarding
Completeness of Application

The DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), pursuant to Hawaii Revised Statutes ("HRS") § 269-16(d), timely filed a Statement of Position Regarding Completeness of Application ("Objection Statement") on November 14, 2003 regarding the application of PUHI SEWER & WATER CO., INC. ("Puhi") (together with the Consumer Advocate, "Parties") for a review and approval of rate increases and revised rate schedules ("Application").¹ In its Objection Statement, the Consumer Advocate determined that, based upon its review of the Application, Puhi has not strictly complied with the requirements of Title 6, Chapter 61, Hawaii Administrative Rules ("HAR").

In particular, the Consumer Advocate states that Puhi has not provided the following information in its Application:

¹Puhi's Application was filed on October 31, 2003.

(1) the amount of bonds authorized and issued by Puhi, pursuant to HAR § 6-61-75(a)(4); (2) the rate, and amount of dividends paid out to Puhi during the five previous calendar years, pursuant to HAR § 6-61-75(a)(7); and (3) an audited balance sheet, including any pertinent notations and explanations contained therein, as of the end of the last calendar year, pursuant to HAR § 6-61-75(b)(1). The Consumer Advocate notes that it will deem the Application complete upon Puhi's remedy of the above-stated deficiencies.²

II.

Puhi's Response to the Objection Statement

Puhi submitted its responses to the Objection Statement, and incorporated such responses into the Application, thereby amending the Application accordingly to the extent necessary to deem the Application complete ("Puhi Response Letter").³

By way of response to the Objection Statement, Puhi provides the following information: (1) Puhi does not have any authorized or issued bonds; (2) no dividends have ever been paid out by Puhi; and (3) notwithstanding the fact that Puhi does not possess audited financial information for its operations separate from those of its parent company, it will provide a copy of

²See Objection Statement at 3.

³Puhi's letter, dated and filed on November 17, 2003.

Puhi's parent company's consolidated audited financial statements and supporting documentation for 2002 to the Consumer Advocate.⁴

III.

Waiver of Hawaii Revised Statutes § 269-16(d)

HRS § 269-16(d) provides, in relevant part, that the Consumer Advocate has 21 days to object to the completeness of an application for a rate increase, and upon receipt of such objection, "the commission shall hear and determine any such objection within twenty-one days after same is filed" ("Hearing").

On November 18, 2003, Puhi and the Consumer Advocate submitted a letter informing the commission that they have agreed to waive their right to a Hearing ("Stipulation to Waive Hearing"). The Parties agree that any issues remaining relevant to the completeness of the Application can be resolved without a hearing as set forth in HRS § 269-16(d).

In accordance with HAR § 6-61-35, with the approval of the commission, any procedure in a contested case may be modified or waived by stipulation of the parties. See also, HRS § 91-9. We find good cause to approve the Parties' Stipulation to Waive Hearing. The Consumer Advocate is satisfied that any matters remaining as to the completeness of the Application not addressed in the Puhi Response Letter can subsequently be resolved by the

⁴Puhi expects that this information will be covered by the Stipulation for Protective Order, No. 20642, filed by the commission on November 18, 2003.

Parties without a hearing. We, thus, conclude that the Parties' Stipulation to Waive Hearing should be approved.

IV.

Order

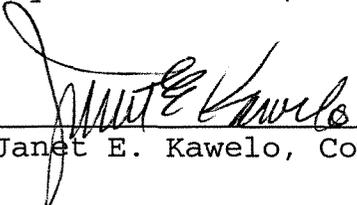
THE COMMISSION ORDERS that the Parties' Stipulation to Waive Hearing is approved.

DONE at Honolulu, Hawaii this 26th day of November, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

03-0383.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20687 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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for Karen Higashi

DATED: November 26, 2003