

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of)  
APOLLO ENERGY CORPORATION )  
Pursuant to Section 6-74-15, )  
Hawaii Administrative Rules. )  
\_\_\_\_\_ )

DOCKET NO. 00-0135

ORDER NO. 20919

RECEIVED  
2004 APR 23 A 9:33  
DIV. OF CONSUMER AFFAIRS / AGENCY  
DEPT. OF LAND AND NATURAL RESOURCES  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed April 22, 2004  
At 2:30 o'clock P.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)  
APOLLO ENERGY CORPORATION ) Docket No. 00-0135  
Pursuant to Section 6-74-15, ) Order No. 20919  
Hawaii Administrative Rules. )  
\_\_\_\_\_)

ORDER

I.

Motion for Clarification

On April 8, 2004, the commission: (1) denied APOLLO ENERGY CORPORATION's ("Apollo") motion for expedited resolution of a single issue; and (2) stated its intent to "hold a conference with the **Parties' counsel** in April 2004 to formulate the issues and procedural schedule, including the Parties' willingness, if any, to voluntarily waive an evidentiary hearing, prior to the commission's issuance of its written decision on the disputed issues."<sup>1</sup>

On April 13, 2004, Apollo filed a motion for clarification, seeking clarification that the Parties are not precluded from raising the Single vs. Three-Breaker System issue at the forthcoming conference. In other words, by way of Order No. 20892, the commission did not rule on the merits of this issue. HELCO responds that the clarification of Order No. 20892

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<sup>1</sup>Order No. 20892, filed on April 8, 2004. The term "Parties" refers to HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") and Apollo.

is unnecessary, because Order No. 20892 did not address the Three-Breaker System issue.<sup>2</sup>

Apollo does not request a hearing on its motion.

The commission reiterates that Order No. 20892 was not a ruling on the merits of the Single vs. Three-Breaker System issue. Rather, this issue will be identified at the forthcoming conference as one for later decision-making by the commission. The purpose of the conference is to identify the outstanding issues and formulate an appropriate procedural schedule. "At the conference, the merits of the disputed issues and the Parties' positions thereto will not be discussed."<sup>3</sup>

## II.

### Leave for Reply

On April 7, 2004, HELCO took no position on Apollo's motion seeking an enlargement of time, from March 29 to 31, 2004, to file its status report. On April 16, 2004, the commission approved Apollo's extension request, and accepted Apollo's status report as part of the docket record.<sup>4</sup>

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<sup>2</sup>HELCO's response, filed on April 19, 2004, to Apollo's motion for clarification.

<sup>3</sup>Order No. 20892, at 3.

<sup>4</sup>Order No. 20909, filed on April 16, 2004.

On April 13, 2004, Apollo filed a response to HELCO's "no position" memorandum, together with a request for leave to file its response. HELCO will not respond to Apollo's request for leave.<sup>5</sup>

Apollo's response is neither necessary, nor was it filed in response to the commission's request. The commission denies Apollo's request for leave to file its response.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Order No. 20892, filed on April 8, 2004, is clarified, consistent with the statements noted in Section I, above.

2. Apollo's request for leave to file its response, filed on April 13, 2004, is denied. Apollo's response, filed on April 13, 2004, is stricken from the docket record.


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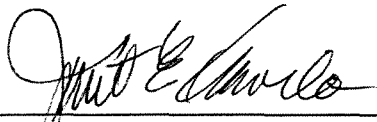
<sup>5</sup>HELCO's letter, dated April 19, 2004.

DONE at Honolulu, Hawaii this 22nd day of April, 2004.

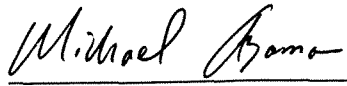
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

00-0135.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20919 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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DATED: April 22, 2004