

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. 21054

RECEIVED  
2004 JUN 15 A 8:14  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed June 14, 2004  
At 1 o'clock P. .M.

*Kris Holzer*  
for Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
for Chief Clerk, Public Utilities  
Commission, State of Hawaii.  
*Karen 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. 21054  
Hawaii Administrative Rules. )  

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ORDER

I.

Agreement as to Procedures

On June 9, 2004, APOLLO ENERGY CORPORATION ("Apollo") and HAWAII ELECTRIC LIGHT COMPANY INC. ("HELCO") (collectively, the "Parties", individually, the "Party"), jointly filed their written Agreement as to Procedures ("Agreement") in response to Order No. 21020, filed on June 2, 2004. By their Agreement, the Parties agree to: (1) waive an evidentiary hearing and oral argument; and instead (2) "file simultaneous briefs on June 25, 2004 addressing the four issues identified in Order No. 21020, in lieu of an evidentiary hearing and oral argument."

In addition, the Parties agree that the following documents, including the attachments and exhibits thereto, shall constitute the evidentiary record:

1. "Apollo Energy Corporation's Motion for Expedited Resolution of Issue," filed on March 18, 2004.
2. "HELCO's Memorandum in Opposition to Motion of Apollo Energy Corporation for Expedited Resolution of Issue," filed on March 25, 2004.

3. "HELCO's Status of Negotiations Report," filed on March 29, 2004.
4. "Status Report of Apollo Energy Corporation," filed on March 31, 2004.
5. The Parties' May 7, 2004 filings, which include the Parties' respective draft Restated and Amended Contracts ("RACs").
6. The commission's "Merge and Compare Document," sent to the Parties on May 18, 2004 by electronic mail.
7. Apollo's May 19, 2004 "Status Conference Submission," distributed by Apollo's counsel at the status conference held on May 19, 2004.
8. The Parties' May 26, 2004 filings, which include the Parties' respective final draft RACs.
9. The commission's "Merge and Compare Document," sent to the Parties on June 1, 2004 by electronic mail.

The commission approves, *in toto*, the Parties' Agreement. Thus, the Parties' waiver of an evidentiary hearing and oral argument is approved, and the Parties, on June 25, 2004, shall file their respective briefs in lieu of an evidentiary hearing and oral argument. In addition, the documents numbered 1 through 9 (including attachments and exhibits thereto), above, shall constitute the evidentiary record for decision-making by the commission.<sup>1</sup>

As a final matter, the commission may issue post-brief information requests, if necessary, to clarify any information set forth in the stipulated evidentiary record or Parties' briefs.

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<sup>1</sup>The Parties' forthcoming briefs will set forth their respective positions and arguments based on the information and data set forth in the stipulated evidentiary record.

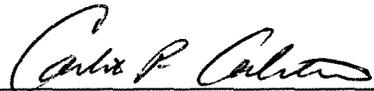
II.

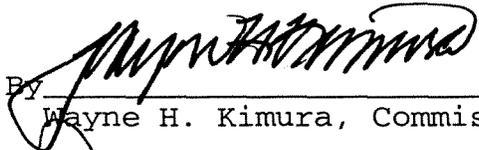
Orders

THE COMMISSION ORDERS that the Parties' Agreement, jointly filed on June 9, 2004, is approved. Accordingly, the Parties' waiver of an evidentiary hearing and oral argument is approved, and the Parties, on June 25, 2004, shall file their respective briefs in lieu of an evidentiary hearing and oral argument. In addition, the documents numbered 1 through 9 (including attachments and exhibits thereto) in Section I, above, shall constitute the evidentiary record.

DONE at Honolulu, Hawaii this 14th day of June, 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.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21054 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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DIVISION OF CONSUMER ADVOCACY  
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for \_\_\_\_\_  
Karen Higashi

DATED: June 14, 2004