

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
IVAR F. KAIPO, dba)
LEHUA WATER DELIVERY SERVICE)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 04-0100

ORDER NO. 21225

Filed August 6, 2004
At 2 o'clock P .M.

Karen Higashi
Chief Clerk of the Commission

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

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

K. Higashi

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LEHUA WATER DELIVERY SERVICE)
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Docket No. 04-0100

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ORDER

I.

Motion to Intervene

On May 10, 2004, IVAR F. KAIPO, dba LEHUA WATER DELIVERY SERVICE ("Applicant"), filed an application with the commission for a certificate of public convenience and necessity to operate as a common carrier in the specific commodities classification, i.e., water transport, on the island of Hawaii.

By a statement of position filed with the commission on May 12, 2004, the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, stated that it would not participate in the instant proceeding. On June 16, 2004, a timely motion to intervene in this proceeding ("Motion to Intervene") was filed by A.C. Young Enterprises ("Movant").

II.

Discussion

Pursuant to Hawaii Administrative Rules § 6-61-55, "[i]ntervention shall not be granted except on allegations which

are reasonably pertinent to and do not unreasonably broaden the issues already presented." Additionally, intervention as a party in a proceeding before us is a matter resting within our sound discretion. See In re Application of Hawaiian Electric Co., Ltd., 56 Haw. 260 (1975).

In its Motion to Intervene, Movant alleges, among other things, that Applicant will take business away from Movant, of which Movant has invested considerably in time and money. Moreover, Movant asserts that granting its Motion to Intervene will not unduly broaden the issues nor delay the progress of this proceeding.

Based upon our review of the Motion to Intervene, we find that Movant's assertions do not warrant a grant of intervention by the commission. Movant has not convinced the commission that its participation as a party is necessary to a proper determination of the instant application, or that a grant of intervention to Movant would not unnecessarily delay the instant proceeding. Thus, the commission concludes that Movant's Motion to Intervene should be denied.

III.

Order

THE COMMISSION ORDERS that Movant's Motion to Intervene, filed on June 16, 2004, is denied.

DONE at Honolulu, Hawaii this 6th day of August, 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:


Benedyne S. Stone
Commission Counsel

04-0100.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21225 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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LEHUA WATER DELIVERY SERVICE
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Oceanview, HI 96737

A.C. YOUNG ENTERPRISES
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SANDRA-ANN Y.H. WONG, ESQ.
1050 Bishop Street, #514
Honolulu, HI 96813



Karen Higashi

DATED: AUG 06 2004