

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII WATER SERVICE COMPANY, INC.)
For Approval of Rate Increases and)
Revised Rate Schedules, and to)
Enter into Financing Arrangements.)
_____)

DOCKET NO. 03-0275

ORDER NO. 21491

RECEIVED
2004 DEC 10 A 8:18
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed December 9, 2004
At 10:45 o'clock A .M.

for Brooke K. Kane
Chief Clerk of the Commission

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

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Docket No. 03-0275
Order No. **21491**

ORDER

The deadline for HAWAII WATER SERVICE COMPANY, INC. ("HWSCI") and the Division of Consumer Advocacy ("Consumer Advocate") (collectively, the "Parties") to file their settlement agreement with the commission was December 6, 2004.¹ The corresponding nine (9)-month deadline governing commission action on HWSCI's request for a general rate increase, pursuant to Hawaii Revised Statutes ("HRS") § 269-16(d), is January 26, 2005.² In the event a settlement is not reached, an evidentiary hearing is presently scheduled for December 13, 2004.³

On December 6, 2004, HWSCI informed the commission that the Parties have reached a settlement of all the disputed issues, but have not yet finalized the written settlement agreement.⁴ Thus, HWSCI requests: (1) a three (3)-week extension of time,

¹See Order No. 21476, filed on November 26, 2004.

²Id.

³See Order No. 21395, filed on October 6, 2004; and the Notice of Evidentiary Hearing, issued on October 25, 2004. In addition, Order No. 21476 tentatively scheduled a prehearing conference, if necessary, for December 7, 2004.

⁴HWSCI's letter, dated December 6, 2004.

from December 6, 2004 to December 27, 2004, for the Parties to file their settlement agreement; and (2) a corresponding three (3)-week extension of time, from January 26, 2005 to February 15, 2005, for the commission to comply with the nine (9)-month deadline governing commission action, pursuant to HRS § 269-16(d).

In addition, HWSCI seeks to "suspend" as unnecessary the: (1) prehearing conference, tentatively scheduled for December 7, 2004; and (2) evidentiary hearing, scheduled for December 13, 2004.⁵

HWSCI represents:

The Parties believe that this change in the schedule will effectively promote the efficient and cost-effective allocation of the cost-effective [P]arties' respective resources, and can expedite the Commission's review of the subject docket if a final settlement can be reached without having to complete the remaining steps in the regulatory schedule.

. . . .

The [Consumer Advocate] has informed HWSC[I] that it agrees with the foregoing proposal.⁶

The commission finds good cause to approve the Parties' requests for: (1) a three (3)-week extension of time, until December 27, 2004, for the Parties to file their settlement agreement; and (2) a corresponding three (3)-week extension of time, until February 15, 2005, for the commission to comply with the nine (9)-month deadline governing commission action, pursuant

⁵In other words, at this time, until the settlement agreement is finalized and filed with the commission, the Parties do not formally waive the right to an evidentiary hearing.

⁶HWSCI's letter, dated December 6, 2004.

to HRS § 269-16(d).⁷ The commission also cancels the prehearing conference and evidentiary hearing, scheduled for December 7 and 13, 2004, respectively.⁸

THE COMMISSION ORDERS:

1. The Parties' request to extend the deadline date, from December 6, 2004 to December 27, 2004, to file their settlement agreement, if any, is approved.

2. The Parties' corresponding request to extend the deadline date, from January 26, 2005 to February 15, 2005, to comply with the nine (9)-month deadline governing commission action set forth in HRS § 269-16(d), is approved.

3. Stipulated Prehearing Order No. 21072, filed on June 23, 2004, as amended, is further amended by this Order. In all other respects, Stipulated Prehearing Order No. 21072, as previously amended and amended herein, remains unchanged.

4. The prehearing conference and evidentiary hearing, scheduled for December 7 and 13, 2004, respectively, are cancelled.


⁷See Hawaii Administrative Rules § 6-61-23(a) and Sections II and X of Stipulated Prehearing Order No. 21072, filed on June 23, 2004, as amended.


⁸In the event a settlement agreement is not filed and the Parties ultimately proceed with an evidentiary hearing, the commission, in setting a new evidentiary hearing date, may direct the Parties to waive or shorten the fifteen (15)-day advance written notice requirement governing contested case proceedings. See HRS §§ 91-9 and 91-9.5(a).

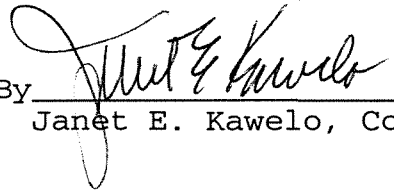
DONE at Honolulu, Hawaii

DEC - 9 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

03-0275.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21491 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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Counsel for HAWAII WATER SERVICE COMPANY, INC.



The signature is written in cursive and is positioned above a horizontal line. To the left of the line, there is a handwritten mark that appears to be 'JW'.

Karen Higashi

DATED: DEC - 9 2004