

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate the Issues and)
Requirements Raised by, and)
and Contained in, Hawaii Revised)
Statutes 486H, as Amended.)
_____)

DOCKET NO. 05-0002

ORDER NO. 21669

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

2005 MAR -2 A 7:54

RECEIVED

Filed March 1, 2005
At 3 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-----)	
)	
PUBLIC UTILITIES COMMISSION)	Docket No. 05-0002
)	
Instituting a Proceeding to)	Order No. 21669
Investigate the Issues and)	
Requirements Raised by, and)	
and Contained in, Hawaii Revised)	
Statutes 486H, as Amended.)	
_____)	

ORDER

By this order, the commission approves in part and modifies in part, the Parties' Stipulation for Protective Order.

I.

Introduction

On February 2, 2005, the commission issued Order No. 21579 requiring, among other things, the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"), Chevron USA ("Chevron"), Tesoro Hawaii Corporation ("Tesoro Hawaii"), Shell Oil Company ("Shell"), and the Hawaii Petroleum Marketers Association ("HPMA") (hereinafter collectively referred to as "Parties") to submit a Stipulation for Protective Order within ten (10) days from the date of Order No. 21579. By letter dated February 14, 2005, Chevron requested to extend the deadline for submitting a Stipulation for Protective Order until February 18, 2005. By letter dated February 17, 2005, the commission treated Chevron's February 14,

2005 letter requesting an extension of time to file a Stipulated Protective Order as a motion for an extension of time, pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-23 and 6-61-41. By the same letter, the commission granted Chevron's motion for extension of time. On February 18, 2005 the Parties submitted a Stipulation for Protective Order for the commission's review.

Upon our review and consideration, the commission approves and adopts the Parties' Stipulation for Protective Order attached to this order as Exhibit "A", subject to the modifications discussed in Section II.

II.

Discussion

The Stipulation for Protective Order is approved, adopted and made part of this order, subject to certain modifications. In Particular we are adding three (3) paragraphs as follows:

1. Paragraph 12 is amended by inserting subparagraph f to read as follows:

"Any other person designated as a qualified person by order of the Commission, with the consent of the producing party.

2. Inserting paragraph 16 to read as follows:

Subject to relevance, materiality and any other evidentiary requirements and subject to confidential protection as contained or set forth in this protective order, any confidential information obtained under this protective order may be used by the Commission and its staff in any proceeding pending before the Commission involving the producing party, where the

intended use of such confidential information is for the purpose of assisting the Commission in fulfilling its statutory duties and responsibilities under Hawaii Revised Statutes, Chapter 486H. The confidential information shall continue to be treated as confidential until the protection conferred by this protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

3. Inserting paragraph 17 to read as follows:

Subject to relevance, materiality and any other evidentiary requirements and subject to confidential protection as contained or set forth in this protective order, any confidential information obtained under this protective order may be used by the Consumer Advocate, its staff, its consultant and its counsel in any proceeding pending before the Commission involving the producing party, where the intended use of such confidential information is for the purpose of assisting the Consumer Advocate in fulfilling its statutory duties and responsibilities under Hawaii Revised Statutes, Chapter 486H. The confidential information shall continue to be treated as confidential until the protection conferred by this protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

III.

Orders

THE COMMISSION ORDERS that the Parties' Stipulation for Protective Order attached hereto as Exhibit "A" is approved in part and modified in part, consistent with this order.

DONE at Honolulu, Hawaii

MAR - 1 2005

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:


Kevin M. Katsura
Commission Counsel

05-0002.eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to Investigate)
the Issues and Requirements Raised by,)
and Contained in, Hawaii Revised)
Statutes Chapter 486H, as Amended)
_____)

DOCKET NO. 05-0002

PROTECTIVE ORDER NO. _____

STIPULATION FOR PROTECTIVE ORDER

EXHIBIT A

And

CERTIFICATE OF SERVICE

Filed _____, 2005

At _____ o'clock ____ .m.

Chief Clerk of the Commission

EXHIBIT "A"

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 PUBLIC UTILITIES COMMISSION)
)
 Instituting a Proceeding to Investigate)
 the Issues and Requirements Raised by,)
 and Contained in, Hawaii Revised)
 Statutes Chapter 486H, as Amended)
)

DOCKET NO. 05-0002

STIPULATION FOR PROTECTIVE ORDER

WHEREAS, pursuant to Order No. 21525 filed January 4, 2005, in Docket No. 05-0002, the PUBLIC UTILITIES COMMISSION (the "Commission") opened an investigatory docket to examine the issues and requirements raised by Hawaii Revised Statutes ("HRS") Chapter 486H, as amended.

WHEREAS, the Commission made Chevron U.S.A. Inc. ("Chevron"), Tesoro Hawaii Corporation ("Tesoro"), and by administrative rule, the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (the "Consumer Advocate") parties to Docket No. 05-0002.

WHEREAS, in Order No. 21525, the Commission expressed its intent to issue a protective order, pursuant to Hawaii Administrative Rule ("HAR") §6-61-50, to establish a set of procedures and provisions pertaining to the use and disclosure of documents, data, and information considered to be confidential to manufacturers,

wholesales, jobbers or other entities participating in the gasoline industry of the State of Hawaii.

WHEREAS, pursuant to Order No. 21579, filed February 2, 2005, the Commission granted the respective motions to intervene in Docket No. 05-0002 of Shell Oil Company ("Shell") and the Hawaii Petroleum Marketers Association ("HPMA"), and directed such intervenors and the other parties to this docket (Chevron, Tesoro, the Consumer Advocate, Shell and HPMA shall be hereafter collectively referred to as "Parties" and individually referred to as a "Party") to informally confer and file a Stipulation for Protective Order for Commission review and approval within 10 days of Order No. 21579, which order will govern the treatment of confidential information filed in Docket No. 05-0002.

WHEREAS, Chevron, Tesoro, Shell, and HPMA anticipate that certain information that may be requested or filed during the course of the proceeding in the subject docket will be considered confidential, business sensitive, trade secrets and/or proprietary by the Party submitting the information, the disclosure of which could, without limitation, (1) disadvantage that Party in that disclosure of certain information may touch upon that Party's respective company, customer and/or employee privacy concerns, (2) violate certain laws, regulations, and guidelines, (3) violate the terms and conditions of non-disclosure agreements with consultants or other third parties, (4) directly or indirectly give another Party or persons not a party to these proceedings information which the Party or person could use to its competitive advantage and/or to the competitive disadvantage of the submitting Party, (5) jeopardize or otherwise subject to risk the safety of the personnel, plants, equipment, operations or general

activities of the submitting Party, or (6) otherwise be used to the detriment of the interests of the submitting Party.

WHEREAS, the Parties desire to establish a set of procedures and provisions pertaining to the use and disclosure of information considered to be confidential, business sensitive, trade secrets and/or proprietary and any information which any Party may in the future contend to be confidential, business sensitive, trade secrets and/or proprietary (hereinafter individually and collectively "Confidential Information");

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, in accordance with Section 6-61-50 of the Rules of Practice and Procedure before the Public Utilities Commission, that the Commission issue a protective order covering the Confidential Information identified in the course of the proceeding in the subject docket as follows:

TERMS OF THE ORDER

1. This protective order governs the classification, acquisition, and use of Confidential Information produced by any Party in the subject docket. The execution of this stipulation shall not be deemed to be a waiver of any privilege.

2. Any person obtaining Confidential Information in this proceeding or obtaining Confidential Information, directly or indirectly from someone under circumstance in which the ultimate source of the information was this proceeding shall be subject to this protective order.

)

)

APPLICATION OF THE UNIFORM INFORMATION PRACTICES ACT

3. To the extent that any of the documents covered by this protective order consist of "government records", as defined in HRS §92F-3, the provisions of HRS chapter 92F ("Uniform Information Practices Act" or "UIPA") shall apply to the disclosure of information contained in such documents. In the event any provision of this protective order conflicts with any provision of the UIPA, the UIPA shall control.

CLASSIFICATION

4. A Party may designate as confidential any information it believes, in good faith, contains Confidential Information. Such information shall be protected against disclosure to a non-qualified person pursuant to the terms of this protective order, unless such information is declassified, or permission to disclose the information to such non-qualified person is granted by the Party claiming confidentiality, as provided in paragraph 13 below. In addition, a Party may designate certain information (including information that the Party would not normally disclose to competitors, customers, or suppliers) as being confidential and not to be distributed to other Parties (not including the Consumer Advocate) by notifying the Commission and the Consumer Advocate in writing setting forth in particularity the information to be kept as confidential and not available to the other Parties. With respect to such Confidential Information, the Parties from whom such information is being withheld shall be treated as a non-qualified person from whom such information shall be protected against disclosure in accordance with the terms of this protective order. In addition to other designations in this protective order, any Confidential Information that is not to be distributed to other Parties shall place upon the applicable material the following legend:

**“CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER
TO BE VIEWED ONLY BY THE
PUBLIC UTILITIES COMMISSION
OR THE CONSUMER ADVOCATE”**

5. If a Party designates information as confidential, it shall produce the Confidential Information in accordance with the procedures described in paragraphs 11 through 14 below, and concurrently provide that Confidential Information in writing to the Commission and the Consumer Advocate. The Party seeking to designate Confidential Information shall: (1) identify the information's source, character, and location to the extent reasonably practicable, (2) state the basis for the claim of confidentiality, and (3) describe the harm or prejudice to the producing Party from any misuse or unauthorized disclosure of the information. If the Commission or any Party challenges the claim of confidentiality of the information, the Party claiming confidentiality shall bear the burden of proof in supporting its claim of confidentiality, and the Commission will determine whether the information is confidential and whether it should be disclosed under the terms of this protective order. Any challenge to the confidentiality of any information shall be made in accordance with paragraph 24 below.

6. Confidential Information provided to the Commission or a Party, orally or in any other form, shall be protected as fully as Confidential Information provided in written form. A Party shall notify the Commission and the other Parties when information provided orally or in other than written form includes Confidential Information. At the time of such notification, a Party shall, in the manner provided in paragraph 5 above, specify the subject-matter of such Confidential Information, the

basis for the claim of confidentiality, and the harm or prejudice to the producing Party from any misuse or unauthorized disclosure of the information.

FORMS OF CONFIDENTIAL INFORMATION

7. All information claimed to be Confidential Information shall be subject to the terms of this protective order, and shall be treated by all qualified persons (as defined in paragraph 12 below) as constituting Confidential Information. Any notes, summaries, abstracts, or analyses that are prepared by counsel, experts, or other qualified persons, and that contain or reflect any of the underlying Confidential Information, shall also be subject to the terms of this protective order.

DESIGNATION

8. Any Party claiming that information is confidential shall place upon the applicable material the following legend:

**“CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER”**

Whenever only a portion of a document, transcript, or other material is deemed to contain Confidential Information, the Party shall, to the extent reasonably practicable, limit the claim of confidentiality to only such portion. However, if such limitation is not reasonably practicable, the entire document, transcript, or other material may be designated as Confidential Information.

9. With respect to any Confidential Information that is not under the control of the Party claiming the information is confidential, other persons shall, to the extent requested by that Party, cooperate to ensure that all copies of such Confidential Information bear the legend required in paragraph 8 above.

10. Any Party may request the Commission to designate as Confidential Information any document or other information previously produced but not designated as confidential, provided that the Party, in the manner provided in paragraph 5 above, specify the subject-matter of such Confidential Information, the basis for the claim of confidentiality, and the harm or prejudice to the producing Party from any misuse or unauthorized disclosure of the information. In addition, the Party claiming confidentiality shall replace the previously-produced but not designated as confidential material with the identical material under designation as required in paragraph 8 above.

DISCLOSURE

11. Except as provided in paragraph 13 below, Confidential Information shall not be made available or disclosed to any person who is not a “qualified person” as defined in paragraph 12 below.

12. Subject to the condition provided in paragraph 4 above, limiting the availability of designated confidential information, “qualified person” or “qualified persons”, as used in this protective order means any one of the following:

- a. The author(s), addressee(s), or originator(s) of the Confidential Information, including its counsel or representative of record;
- b. The Commission (which shall include its staff, and its consultant ICF Associates, LLC retained by the Commission for purposes of this proceeding);
- c. The Consumer Advocate (which shall include its staff, counsel (including employees directly employed by such counsel), and any

consultants retained by the Consumer Advocate for purposes of this proceeding);

- d. Subject to paragraph 4 above, the Parties (which shall include their respective officers, employees, counsel (including employees directly employed by such counsel), and any consultants retained by such Party for purposes of this proceeding); and
- e. Any other person approved by the Party asserting the claim of confidentiality.

13. When a qualified person wishes to disclose Confidential Information to a non-qualified person, the qualified person must request permission from the Party claiming confidentiality. The request shall identify the non-qualified person to whom disclosure is desired; disclose any past, present, or anticipated affiliation between the qualified person and the non-qualified person; specify the exact information to be disclosed; and state the reasons for the requested disclosure. If permission is granted by the Party claiming confidentiality, disclosure of the Confidential Information shall be made to such non-qualified person in the same manner as provided for qualified persons in paragraph 14 below.

PROCEDURE FOR OBTAINING ACCESS

14. Prior to disclosing Confidential Information to a qualified person other than the Commission and its staff, the qualified person shall read a copy of this protective order, complete a copy of the protective agreement attached as Exhibit A to this protective order, and sign the completed copy of the protective agreement. A copy of

() ()

the executed protective agreement shall be delivered to the Party claiming confidentiality and to the Commission.

USE OF CONFIDENTIAL INFORMATION

15. Any Confidential Information obtained under this protective order shall be used solely in connection with the purposes set forth in Order No. 21525 and HRS Chapter 486H, as amended, and any related administrative and judicial proceedings (at which time this protective order will continue to apply and the information will continue to be treated as confidential pursuant to its terms), and shall not be used for any other purpose, including business, governmental or commercial purposes, or in any other administrative or judicial proceeding except as may be directed by an order of court.

16. [intentionally deleted].

17. [intentionally deleted].

18. Unless otherwise ordered by the Commission, if a Party desires to file written testimony, exhibits or pleadings which contain or reflect the Confidential Information, only the page(s) containing or reflecting such information shall be treated as confidential, and that part of any hearing, if any, at which such information is discussed shall be held in camera, or under other conditions set by the Commission to prevent unnecessary public disclosure of such information. A copy of any confidential page(s), with any such information deleted, shall be filed to be included in the public record, and each such page shall contain the following designation in the upper left hand corner:

**“Confidential Information Deleted Pursuant to
Protective Order No. _____.”**

RETENTION OF CONFIDENTIAL INFORMATION

19. Confidential Information shall be retained in a locked cabinet dedicated to the storage of Confidential Information, or otherwise secured to ensure that access to and disclosure of the Confidential Information is limited to a qualified person.

20. Confidential Information that is given to or filed with the Commission or its staff shall be separately bound and placed in a sealed envelope or other appropriate sealed container on which shall appear the following legend:

“THIS ENVELOPE IS SEALED PURSUANT TO PROTECTIVE ORDER NO. _____ AND CONTAINS DOCUMENTS WITH CONFIDENTIAL INFORMATION. IT IS NOT TO BE OPENED OR THE CONTENTS OF THIS ENVELOPE DISPLAYED OR REVEALED EXCEPT TO QUALIFIED PERSONS AUTHORIZED TO INSPECT THE ENCLOSED DOCUMENTS.”

If the Confidential Information is not to be distributed to another Party or Parties the sealed envelope or other appropriate sealed container shall have the following legend instead of the preceding legend:

“PUBLIC UTILITIES COMMISSION OR CONSUMER ADVOCATE USE ONLY. THIS ENVELOPE IS SEALED PURSUANT TO PROTECTIVE ORDER NO. _____ AND CONTAINS DOCUMENTS WITH CONFIDENTIAL INFORMATION. IT IS NOT TO BE OPENED OR THE CONTENTS OF THIS ENVELOPE DISPLAYED OR REVEALED EXCEPT TO THE PUBLIC UTILITIES COMMISSION OR THE CONSUMER ADVOCATE”

21. Confidential Information shall not be reproduced or duplicated, except to make working copies and copies to be filed with the Commission under seal. If a document contains information so sensitive that it should not be copied by anyone, the Party claiming confidentiality shall have the following legend placed on each page of the document:

“Copying Prohibited”.

22. If a court or other administrative agency requests, subpoenas, or orders production of Confidential Information that a Party or person has obtained under this protective order from another Party, that Party or person shall immediately notify the Party claiming confidentiality of the request, subpoena or order, and not produce that information until the Party claiming confidentiality has had a reasonable opportunity to seek a court order or take such other action as it deems necessary to preclude production of its Confidential Information pursuant to the request, subpoena or order. Any Party which produces the Confidential Information of another Party in violation of this Section 22 shall be liable to that Party to the extent permitted by law for all damages caused by that production.

DURATION OF CONFIDENTIALITY

23. The confidentiality of the information produced pursuant to this protective order shall be preserved until all interested parties, by written stipulation, waive the protection conferred by this protective order.

APPEAL TO THE COMMISSION

24. If any Party disagrees with the designation of information as confidential, the Party claiming confidentiality and the Party so disagreeing shall first make a good faith attempt to resolve the dispute on an informal basis. If the dispute cannot be resolved, the Party contesting the confidentiality of the information shall file a motion to compel disclosure or any other appropriate motion with the Commission. The Party claiming confidentiality shall bear the burden of proof in supporting its claim, and the Commission will determine whether the information shall continue to be designated as

confidential under this protective order. The motion shall identify the contested information and the specific reasons the information should not be classified as confidential. Pending a disposition of the motion, the information in question shall continue to be treated as Confidential Information and shall not be disclosed except as permitted in this protective order.

NON-WAIVER OF OBJECTIONS AND RIGHTS

25. The Parties retain the right to contest any assertion or finding of confidentiality or of non-confidentiality. The Parties retain the right to question, challenge, and object to the admissibility or submission of Confidential Information on the ground of relevancy or materiality.

26. Notwithstanding anything to the contrary, nothing in this Stipulation for Protective Order creates any obligation to disclose or exchange any Confidential Information.

MODIFICATION OF THE PROTECTIVE ORDER

27. The Commission may upon good cause modify this protective order on the motion of any Party, or on its own motion, upon reasonable notice to the Parties and an opportunity for hearing.

DISPOSAL OF CONFIDENTIAL INFORMATION

28. Except as provided in paragraphs 29 and 30 below, within 90 days after the conclusion of this proceeding or when the Commission determines the Confidential Information is no longer required for purposes of this proceeding, whichever is earlier, persons in possession of Confidential Information shall, at the option of the Party producing the Confidential Information, return or destroy all such materials and all

) ()

copies, notes, tapes, papers, or other medium containing, summarizing, excerpting, or otherwise embodying any Confidential Information. If the Party producing the Confidential Information requests destruction, the person destroying the information shall certify its destruction to the producing Party, indicating the name of the person destroying the Confidential Information, the method of destruction, when the Confidential Information was destroyed, and the identity of the specific materials, copies, notes, tapes, etc. containing Confidential Information that has been destroyed.

29. Counsel and the representative of record for a Party shall be entitled to retain memoranda, pleadings, exhibits of record, written testimony, and transcripts embodying information derived from or incorporating Confidential Information properly made available to such Counsel and the representative of record for a Party to the extent reasonably necessary to preserve files on this proceeding. Those files shall not be disclosed to any person, entity, government agency or anyone else who is not a qualified person.

30. Confidential Information produced in this proceeding shall remain in the possession of the Commission, the Consumer Advocate and counsel for the Consumer Advocate for the duration provided by applicable statutory authority.

SANCTIONS

31. Any person violating this protective order shall be subject to sanctions imposed by the Commission.

()

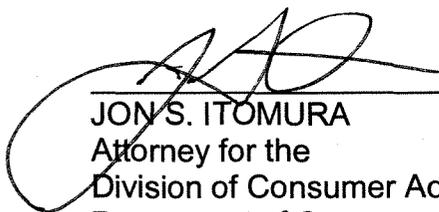
COUNTERPARTS

32. This Stipulation for Protective Order may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

DATED: Honolulu, Hawai'i, February 18, 2005.



MICHAEL H. LAU
KENT D. MORIHARA
Oshima Chun Fong & Chung LLP
Attorneys for Chevron USA Inc.



JON S. ITOMURA
Attorney for the
Division of Consumer Advocacy
Department of Commerce and Consumer
Affairs



CRAIG I. NAKANISHI
SHAH J. BENTO
Rush Moore LLP
Attorneys for Tesoro Hawaii Corporation



CLIFFORD K. HIGA
BRUCE A. NAKAMURA
Kobayashi, Sugita & Goda
Attorneys for Shell Oil Company



KELLY G. LAPORTE
MARC E. ROUSSEAU
Cades Schutte LLP
Attorneys for Hawaii Petroleum Marketers
Association

APPROVED AND SO ORDERED THIS _____, 2005,
at Honolulu, Hawaii.

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:

Kevin M. Katsura
Commission Counsel

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, _____, have been presented with a copy of Protective Order No. _____ issued by the Hawaii Public Utilities Commission in Docket No. 05-0002 on the _____ day of _____, 2005 ("Protective Order").

2. I am employed, retained or assisting _____ in Docket No. 05-0002 and have requested review of the Confidential Information covered by the Protective Order.

3. I understand the Confidential Information covered by the Protective Order is to be used solely on behalf of _____, a Party to this proceeding, and that unless otherwise permitted by the Protective Order, I am to make no other use of the Confidential Information, nor am I to disclose the Confidential Information to any other person, entity, government agency or anyone else.

4. I further understand that at the conclusion of my status as a qualified person as defined in Protective Order No. in Docket No. 05-0002 _____, I shall account for each copy, extract, note and summary of, or other document containing any part of such Confidential Information, to the Party claiming confidentiality and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order and agree to abide by its terms and conditions.

DATED at _____, _____, this _____, 2005.

Signature

Address

(_____) _____
Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Protective Order No. _____, upon the following party (parties) by hand delivery or by mail, postage prepaid and properly addressed.

DIVISION OF CONSUMER ADVOCACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P. O. Box 541
Honolulu, Hawaii 96809

JON S. ITOMURA, ESQ.
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P. O. Box 541
Honolulu, Hawaii 96809

ALBERT CHEE, SR.
CHEVRON USA INC.
91-849 Malakole St.
Kapolei, Hawaii 96707

MICHAEL H. LAU, ESQ.
KENT D. MORIHARA, ESQ.
OSHIMA CHUN FONG & CHUNG LLP
841 Bishop Street, Suite 400
Honolulu, Hawaii 96813

WILLIAM S. HUNT
ALSTON HUNT FLOYD & ING
American Savings Bank Tower
1001 Bishop Street, Floor 18
Honolulu, Hawaii 96813

DAVID HEERWALD LEONARD
VICE PRESIDENT & GENERAL COUNSEL
TESORO HAWAII CORPORATION
91-325 Komohana St.
Kapolei, Hawaii 96707-1713

CRAIG I. NAKANISHI, ESQ.
SHAH J. BENTO, ESQ.
RUSH MORE LLP
737 Bishop St., Suite 2400
Honolulu, HI 96813

DANNY BATCHELOR
SENIOR COUNSEL
SHELL OIL COMPANY
P. O. Box 2463
Houston, TX 77252-2463

CLIFFORD K. HIGA, ESQ.
BRUCE NAKAMURA, ESQ.
KOBAYASHI, SUGITA & GODA
First Hawaiian Center
999 Bishop St., Suite 2600
Honolulu, HI 96813

HAWAII PETROLEUM MARKETERS ASSOCIATION
c/o ROBERT W. FUNG, PRESIDENT
P. O. Box 500
Honolulu, HI 96809

KELLY G. LAPORTE, ESQ.
MARC E. ROUSSEAU, ESQ.
CADES SCHUTTE LLP
1000 Bishop St., Suite 1200
Honolulu, Hawaii 96813

Dated: _____, 2005

Karen Higashi
Chief Clerk

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21669 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
P. O. Box 541
Honolulu, HI 96809

DAVID HEERWALD LEONARD
VICE PRESIDENT & GENERAL COUNSEL
TESORO HAWAII CORPORATION
91-325 Komohana Street
Kapolei, HI 96707-1713

CRAIG I. NAKANISHI, ESQ.
RUSH MOORE LLP
737 Bishop Street, Suite 2400
Honolulu, HI 96813

MICHAEL H. LAU, ESQ.
KENT D. MORIHARA, ESQ.
OSHIMA CHUN FONG & CHUNG LLP
841 Bishop Street, Suite 400
Honolulu, HI 96813

CLIFFORD K. HIGA, ESQ.
BRUCE NAKAMURA, ESQ.
KOBAYASHI, SUGITA & GODA
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, HI 96813

Certificate of Service
Page 2

DANNY BATCHELOR
SENIOR COUNSEL
SHELL OIL COMPANY
P. O. Box 2463
Houston, TX 77252-2463

KELLY G. LAPORTE, ESQ.
MARC E. ROUSSEAU, ESQ.
CADES SCHUTTE LLP
1000 Bishop Street, Suite 1200
Honolulu, HI 96813



Karen Higashi

DATED: MAR - 1 2005