BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Application of	)	DOCKET NO. 05-0124
	)	
KAUPULEHU WATER COMPANY	)	
	)	
For Change in Rates and Other Approvals	)	
	)	

STIPULATED PROCEDURAL ORDER NO. 21943

and

CERTIFICATE OF SERVICE

RECEIVED
2005 JUL 26 A 8: 31
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed July 22, 2005

At 3 o'clock P.m.

Karen Higashi

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Application of	)	DOCKET NO. 05-0124
	)	
KAUPULEHU WATER COMPANY	)	
	)	
For Change in Rates and Other Approvals	)	
	)	

STIPULATED PROCEDURAL ORDER

KAUPULEHU WATER COMPANY ("Applicant" or "KWC") and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") hereby stipulate to the following provisions of this Stipulated Procedural Order as mutually acceptable to each for that portion of the Application dealing with KWC's request for approval of the transfer of certain facilities to KWC and the addition of those facilities to rate base.

I.

STATEMENT OF THE ISSUES

The issues in this case are:

1. Is the proposed transfer of the third and fourth deep water wells, water treatment plant, reservoir, and related transmission lines and other facilities and equipment by Kaupulehu Makai Venture to Applicant reasonable?

2. If yes, whether the terms of the proposed transfer of the third and fourth deep water wells, water treatment plant, reservoir, and related transmission lines and other facilities and equipment to Applicant are reasonable?

II.

SCHEDULE OF PROCEEDINGS

1.	May 24, 2005	Application Filed at Commission
2.	Monday, August 8, 2005	Consumer Advocate Submission of Information Requests (IRs) to Applicant
3.	Monday, August 22, 2005	Applicant Response to Consumer Advocate IRs
4.	Monday, September 12, 2005	Consumer Advocate Submission of Supplemental IRs to Applicant
5.	Monday, September 26, 2005	Applicant Response to Consumer Advocate Supplemental IRs
6.	Monday, October 31, 2005	Consumer Advocate Statement of Position
7.	Monday, November 14, 2005	Applicant IRs to Consumer Advocate, if any
8.	Monday, December 5, 2005	Consumer Advocate Responses to Applicant's IR
9.	Tuesday, December 27, 2005	Applicant Reply Statement of Position

If KWC determines that a Reply SOP is unnecessary, KWC and the Consumer Advocate will notify the Commission that the issues are ready for decision making.

Notwithstanding the above, the parties shall have the right to amend the Stipulated Regulatory Schedule as may be agreed in writing from time to time.

III.

REQUESTS FOR INFORMATION

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Procedural Order. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The parties shall then endeavor to agree upon a later date for the submission of the requested information. If the parties are unable to agree, the responding party may seek approval from the Commission for an extension of time to provide

the requested information and make a showing of good cause. It is then within the Commission's discretion to allow the additional time to respond to the information requests.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g. documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request may make the diskette or such electronic medium available to the other party and the Commission. A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part IV, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document. In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in the public files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information

were disclosed); and (3) state whether the party is willing to provide the confidential information pursuant to a protective order.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

IV.

MATTERS OF PUBLIC RECORD

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that Applicant has filed with the Commission, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the parties; and further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

V.

COPIES OF FILINGS AND INFORMATION REQUESTS

1. Filings, Information Requests, Responses, Statement of Position:

Public Utilities Commission 465 South King Street, First Floor Honolulu, HI 96813	Original plus 8 copies

Division of Consumer Advocacy 3 copies
335 Merchant Street, Room 326
Honolulu, HI 96813
E-Mail: cheryl.s.kikuta@dcca.hawaii.gov
Facsimile Number: 586-2780

Robert E. Strand, Esq. 2 copies
Duane R. Miyashiro, Esq.
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, HI 96813
E-Mail: rstrand@carlsmith.com
dmiyashiro@carlsmith.com
Facsimile Number: 523-0842

Ms. Denise Hill 1 copy
Kaupulehu Water Company
P. O. Box 5560
Kailua-Kona, HI. 96745

2. All pleadings, and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the Commission's Rules of Practice and Procedure. In addition, any filings made with the Commission should also include an electronic version of the filing that is submitted via diskette or e-mail to the Commission in a standard electronic format that is readily acceptable by the Commission.

3. Copies of all filings, information requests, information request responses and position statements should be sent to the other parties by hand delivery or via U.S. mail. In addition, if available, all parties shall provide copies of their filings, information requests and information request responses to the other parties on the day of the filing via diskette or e-mail in a standard electronic format that is readily available by the parties. The parties agree to use Word as the standard programming format for filings in this case. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in Word format or in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into such format(s). Also, existing documents produced in response to requests need not be converted to Word as long as the applicable format is identified. In the event a copy of a

filing, information request or information request response is delivered to a party via diskette or e-mail, unless otherwise agreed to by such party, the same number of copies of such filing, information request or information request response must still be delivered to such party by hand delivery or via facsimile as provided in Parts V.1 and V.2 above.

VI.

COMMUNICATIONS

Chapter 61, subchapter 3, section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a party and the Commission. However, the parties may communicate with Commission counsel through their own counsel or designated official only as to matters of process and procedure.

Communications between the parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party as provided in Article V above.

All motions, supporting memoranda, briefs, and the like shall also be served on opposing counsel.

VII.

GENERAL

These procedures are consistent with the orderly conduct of this docket.

Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, the Prehearing Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

Dated: Honolulu, Hawaii, July 18, 2005.

ROBERT E. STRAND
DUANE R. MIYASHIRO

Attorneys for Applicant
KAUPULEHU WATER COMPANY

JON S. ITOMURA

Attorney for DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

APPROVED AND SO ORDERED this 22nd day of July, 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:

_____
Michael Azama
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Prehearing Order No. 21943 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 335 Merchant Street Room 326 Honolulu, HI 96813	3 copies
Robert E. Strand, Esq. Duane R. Miyashiro, Esq. ASB Tower, Suite 2200 1001 Bishop Street Honolulu, HI 96813 E-Mail: rstrand@carlsmith.com dmiyashiro@carlsmith.com	2 copies
Ms. Denise Hill Kaupulehu Water Company P. O. Box 5560 Kailua-Kona, HI. 96745	1 copy

Karen Higashi

DATED: JUL 22 2005

4814-9618-0224.4.035894-00006