

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
THE GAS COMPANY, LLC, )  
HGC HOLDINGS, LLC, )  
k1 VENTURES LIMITED, and )  
MACQUARIE GAS HOLDINGS LLC )  
For Approval of the Transfer of )  
Membership Interests and Related )  
Matters. )  
\_\_\_\_\_)

DOCKET NO. 05-0242

ORDER NO. 22102

RECEIVED

2005 NOV -9 A 8:18

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

Filed Nov. 4, 2005  
At 8 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

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

K. Higashi

OF THE STATE OF HAWAII

HGC HOLDINGS, LLC, )

MACQUARIE GAS HOLDINGS LLC )

Approval of the Transfer of )

Membership Interests and Related )

\_\_\_\_\_ )

Order No. 22102

ORDER

By this Order, the commission approves the Stipulation for Protective Order, filed on September 27, 2005, and attached to this Order as Exhibit A.

I.

## Background

On September 27, 2005, THE GAS COMPANY, LLC ("TGC"), HGC HOLDINGS, LLC ("HGC"), k1 VENTURES LIMITED ("k1 Ventures"), and MACQUARIE GAS HOLDINGS LLC ("Macquarie") (collectively, "Applicants") filed an application requesting a commission order approving their Stipulation for Protective Order, as attached ("Stipulation"), pursuant to Hawaii Administrative Rules ("HAR") § 6-61-50 ("Request"). Applicants served copies of their Request on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF

COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), which is an ex-officio party to all proceedings before the commission.<sup>1</sup>

The Stipulation establishes procedures and provisions governing the filing, use, and disclosure of confidential information filed in this docket. The document was filed in anticipation of the filing of Applicants' Application requesting commission approval of the proposed transfer of TGC's upstream interests and various related matters, pursuant to a purchase agreement, as amended and assigned, and entered into and/or involving k1 Ventures, Macquarie, and various related entities ("Proposed Change of Control"). Applicants represent that they "anticipate that certain information contained in the Application for Proposed Change of Control may be deemed privileged, confidential and proprietary by either Applicants and/or any of their respective related entities affected by the proposed transactions[.]"<sup>2</sup> Moreover, Applicants also anticipate that once the Application for Proposed Change of Control is filed in this docket, additional privileged, confidential, and proprietary information may be requested and/or filed in the docket.<sup>3</sup> Accordingly, they request that the Stipulation attached to the Request, be approved.

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<sup>1</sup>See Hawaii Revised Statutes § 269-51 and HAR § 6-61-62.

<sup>2</sup>See Stipulation at 3.

<sup>3</sup>The Application for Proposed Change of Control was filed on Monday, October 17, 2005.

## II.

### Discussion

Upon review, the commission finds the Stipulation to be reasonable. The various parameters and provisions of the Stipulation appear to be generally consistent with similar stipulations approved by the commission in other proceedings before the commission. The commission makes specific note of paragraph 3 of the Stipulation, which makes clear that in the event any portion of the Stipulation conflicts with any provision of the Uniform Information Practices Act ("UIPA"), the UIPA shall prevail. The commission also finds it reasonable to anticipate that certain information filed in this docket could be deemed privileged, confidential, and proprietary and that misuse and unpermitted disclosure of such information could harm the producing party. Accordingly, the commission finds it appropriate to issue a protective order that clearly establishes the procedures and provisions governing the filing, use, and disclosure of confidential information in this docket.

Based on the above, the commission concludes that the Stipulation for Protective Order filed in this docket on September 27, 2005, and attached to this Order as Exhibit A should be approved.

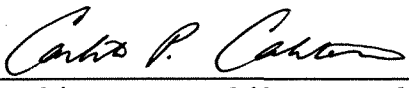
III.

Order

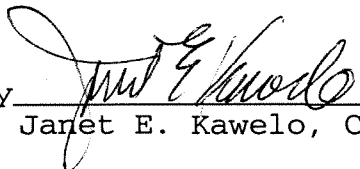
THE COMMISSION ORDERS that the Stipulation for Protective Order filed on September 27, 2005, and attached to this Order as Exhibit A is approved.

DONE at Honolulu, Hawaii November 4, 2005.

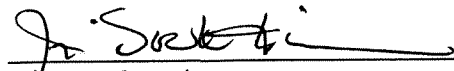
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (Excused)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Ji Sook Kim  
Commission Counsel

05-0242.eh

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of the Application of----- )  
 )  
THE GAS COMPANY, LLC, ) Docket No. \_\_\_\_\_  
HGC HOLDINGS, L.L.C., k1 VENTURES )  
LIMITED, and MACQUARIE GAS )  
HOLDINGS LLC )  
 )  
For Approval of the Transfer of Membership )  
Interests and Related Matters. )  
\_\_\_\_\_

PROTECTIVE ORDER NO. \_\_\_\_\_

STIPULATION FOR PROTECTIVE ORDER

EXHIBIT A

and

CERTIFICATE OF SERVICE

Filed \_\_\_\_\_, 2005

At \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
THE GAS COMPANY, LLC, )  
HGC HOLDINGS, L.L.C., k1 VENTURES )  
LIMITED, and MACQUARIE GAS )  
HOLDINGS LLC )  
 )  
For Approval of the Transfer of Membership )  
Interests and Related Matters. )

---

Docket No. \_\_\_\_\_

**STIPULATION FOR PROTECTIVE ORDER**

WHEREAS, THE GAS COMPANY, LLC, a Hawaii limited liability company ("TGC-LLC"), HGC HOLDINGS, L.L.C., a Hawaii limited liability company, k1 VENTURES LIMITED, a Singapore company, and MACQUARIE GAS HOLDINGS LLC, a Delaware limited liability company (collectively, "Applicants"), by and through their joint outside regulatory counsel, Ishikawa Morihara Lau & Fong LLP, are in the process of preparing and filing an application in the subject docket requesting various approvals from the Hawaii Public Utilities Commission ("Commission") in connection with the transfer of certain upstream membership interests and related financing arrangements affecting TGC-LLC and its related entities ("Application for Proposed Change of Control");

WHEREAS, Applicants maintain that the disclosure of certain confidential information could disadvantage and harm Applicants and/or their related entities in that disclosure of certain information may touch upon, among other things, Applicants and/or their related entities' respective company, customer and employee privacy concerns and other business and financial matters deemed confidential, privileged and proprietary;

WHEREAS, Applicants anticipate that certain information that will be filed as part of or together with the Application for Proposed Change of Control and/or that may be requested or filed during the course of the proceeding in the subject docket will be considered to be privileged, confidential and proprietary by a party and/or their related entities;

WHEREAS, Applicants and the Division of Consumer Advocacy ("Consumer Advocate") are or will be parties to the proceeding in the subject docket;

WHEREAS, the parties desire to establish a set of procedures and provisions pertaining to the use and disclosure of information considered to be confidential and any information which any party may in the future contend to be confidential; and

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 issues a protective order covering the confidential information identified in the course of the proceeding in connection with the Application for Proposed Change of Control as follows:

#### TERMS OF THE ORDER

1. This protective order governs the classification, acquisition, and use of trade secrets and other confidential information produced by any party in this docket.
2. All parties or participants to all or any portion of this docket, including persons who are granted intervention or participation after the effective date of this protective order, shall be subject to this protective order and, subject to Paragraph 4 below, shall be entitled to all confidential information of a party or participant under the provisions of this protective order to the extent allowed by the Commission.



### 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 Hawai'i Revised Statutes ("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 to this proceeding may designate as confidential any information it believes, in good faith, contains trade secrets or other confidential research, development, commercial, financial, vendor, or bid information, including but not limited to cost support studies. 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 as being confidential and not to be distributed to another party (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 party. With respect to such confidential information, the party to 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.

5. If a party designates information as confidential pursuant to paragraph 4 above or 6 below, it shall produce the confidential information in accordance with the procedures described in paragraphs 11 through 14 below, and concurrently provide certain information in writing to the Commission and the Consumer Advocate. If a party seeks to designate information as confidential, it must: (1) identify, in reasonable detail, the information's source, character, and location, (2) state clearly the basis for the claim of confidentiality, and (3) describe, with particularity, the cognizable harm to the producing party from any misuse or unpermitted 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 a 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 parties when information provided orally or in other than written form includes confidential information. At the time of such notification, the 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 cognizable harm to the producing party from any misuse or unpermitted 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 by this protective order) as constituting confidential information. Any notes, summaries, abstracts, or analyses that are prepared by counsel, experts, or other qualified persons, and that reflect 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,

specifies the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information. In addition, the party claiming confidentiality shall substitute 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, 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. "Qualified person", 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;
- b. The Commission, its staff, counsel (including employees directly employed by such counsel), and any consultants retained by the Commission in this proceeding;
- c. The Consumer Advocate, its staff, counsel, (including employees directly employed by such counsel), and any consultants retained by the Consumer Advocate in this proceeding;
- d. Subject to paragraph 4 above, Applicants and/or their related entities, their respective officers, employees, and counsel (including employees directly employed by such counsel) and any consultants retained by Applicants and/or their related entities;

- e. Subject to paragraph 4 above and to the extent allowed by the Commission, any other party or participant to this proceeding, its staff, its counsel (including employees directly employed by such counsel), and any consultants retained by it for this proceeding, who are not engaged in developing, planning, marketing, or selling the party's or participant's products or services, or determining the costs of the party's or participant's products or services or designing prices of the party's or participant's products or services to be charged to customers;
- f. Any other person approved by the party asserting the claim of confidentiality; and
- g. Any other person designated as a qualified person by order of the Commission.

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 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 and counsel, the qualified person shall read a copy of this protective order, complete a copy of the agreement attached as Exhibit A to this protective order, and sign the completed copy of the agreement. A copy of the executed agreement shall be delivered to the party claiming confidentiality and the Commission.

### USE OF CONFIDENTIAL INFORMATION

15. Any confidential information obtained under this protective order shall be used solely in connection with this proceeding and any related administrative and judicial proceedings (at which time the information will continue to be treated as confidential), 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 provided in paragraphs 16 and 17, and except as may be directed by (a) an order of court, (b) an order of the Commission, and (c) the UIPA, including any ruling of the Office of Information Practices.

16. 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 and counsel in any proceeding pending before the Commission involving the producing party, or where the intended use of such confidential information is for the purpose of assisting the Commission in fulfilling its statutory duties and responsibilities. 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.

17. 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, or where the intended use of such confidential information is for the purpose of assisting the Consumer Advocate in fulfilling its statutory duties and responsibilities. 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.

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 that part of the page(s) containing or reflecting such information shall be treated as confidential, and that part of a hearing, if any, at which such information is discussed shall be held in camera, or under other conditions imposed by the Commission to prevent unnecessary public disclosure of such information. A copy of any confidential page, 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.**

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, it shall bear the following legend: "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, that party or person, prior to disclosure, shall promptly notify the party claiming confidentiality of the request, subpoena, or order.

### 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, terminate the protection conferred by this protective order, or until further order of the Commission.



### APPEAL TO THE COMMISSION

24. If any interested person disagrees with the designation of information as confidential, the party claiming confidentiality and the person so disagreeing shall first make a good faith attempt to resolve the dispute on an informal basis. If the dispute cannot be resolved, the person 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. Pending a disposition of the motion, the information in question shall 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. Nothing in this protective order shall prevent any party from objecting to requests for production of information or other discovery requests.

26. The parties retain the right to question, challenge, and object to the admissibility of confidential information on the grounds of relevancy or materiality.

### MODIFICATION OF THE PROTECTIVE ORDER

27. The Commission may 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, 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 documents, the method of destruction, and the identity of the specific documents destroyed.

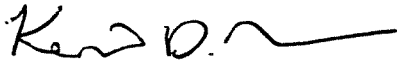
29. Counsel and the representatives of record for a party shall be entitled to retain memoranda, pleadings, exhibits of record, written testimony, and transcripts embodying information derived from or incorporating confidential information to the extent reasonably necessary to preserve files on this proceeding. The files shall not be disclosed to any other 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 required by applicable statute.

### SANCTIONS

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

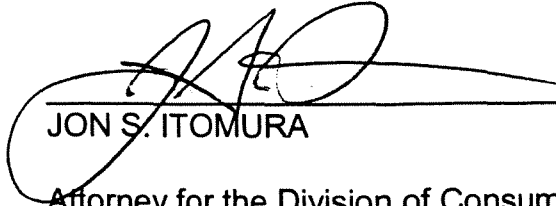
DATED: Honolulu, Hawai'i September 27, 2005.



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KENT D. MORIHARA  
MICHAEL H. LAU  
Ishikawa Morihara Lau & Fong LLP

Joint Outside Regulatory Counsel for  
Applicants



---

JON S. ITOMURA

Attorney for the Division of Consumer  
Advocacy, Department of Commerce and  
Consumer Affairs

APPROVED AND SO ORDERED THIS \_\_\_\_\_,

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:

\_\_\_\_\_  
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 Public Utilities Commission of the State of Hawaii in Docket No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 ("Protective Order").

2. I am employed by, retained by or assisting \_\_\_\_\_ in Docket No. \_\_\_\_\_ 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 to assist \_\_\_\_\_ 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.

4. I further understand that at the conclusion of my assistance to \_\_\_\_\_, 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 parties, by causing a copy hereof  
to be mailed, postage prepaid, and properly addressed to each such party.

JON S. ITOMURA, ESQ.  
Department of Commerce and Consumer Affairs  
Division of Consumer Advocacy  
335 Merchant Street, Room 326  
Honolulu, Hawai'i 96813

JIM R. YATES  
The Gas Company, LLC  
Topa Financial Center  
745 Fort Street, 18<sup>th</sup> Floor  
Honolulu, HI 96813

PETER STOKES  
Macquarie Infrastructure Company Inc.  
125 West 55<sup>th</sup> Street, 22<sup>nd</sup> Floor  
New York, NY 10019

JEFFREY SAFCHIK  
k1 Ventures Limited  
c/o K-1 USA Ventures, Inc.  
2601 South Bayshore Drive  
Suite 800  
Coconut Grove, FL 33133

KENT D. MORIHARA, ESQ.  
MICHAEL H. LAU, ESQ.  
Ishikawa Morihara Lau & Fong LLP  
400 Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawai'i 96813

THOMAS J. MOORE, ESQ.  
BENJAMIN G. CLARK, ESQ.  
LeBoeuf, Lamb, Greene & MacRae LLP  
1000 Main Street  
Suite 2550  
Houston, TX 77002

SHERRY A. STANLEY, ESQ.  
2601 South Bayshore Drive  
Suite 800  
Coconut Grove, FL 33133

DATED: Honolulu, Hawai'i, \_\_\_\_\_.

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Signature

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Printed Name



VERIFICATION

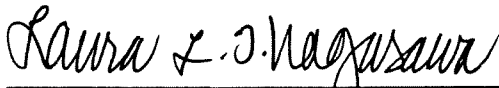
STATE OF HAWAII                     )  
  )     SS.  
COUNTY OF HONOLULU            )

KENT D. MORIHARA, being first duly sworn, deposes and says: That he is an attorney for k1 VENTURES LIMITED, MACQUARIE GAS HOLDINGS LLC, HGC HOLDINGS, L.L.C., and THE GAS COMPANY, LLC, (collectively, "Applicants") in the above proceeding; that the officers of Applicants are not present and unable to sign and verify the foregoing Application; that he is authorized by Applicants to verify that the contents of the foregoing Application are true; that he has read the foregoing Application, and knows the contents thereof; and that the same are true of his own knowledge except as to those matters stated on information and belief, and that as to those matters he believes them to be true.



\_\_\_\_\_  
KENT D. MORIHARA

Subscribed and sworn to before me  
This 27<sup>th</sup> of September, 2005



Notary Public, State of Hawaii

Print Name: Laura L.T. Nagasawa

My commission expires: June 28, 2008

LG.

CERTIFICATE OF SERVICE

I hereby certify that on this date, copies of the foregoing were served on the following, at its respective address, by means as indicated:

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS	4 COPIES
DIVISION OF CONSUMER ADVOCACY	HAND DELIVERY
335 Merchant Street, Room 326	
Honolulu, HI 96813	

DATED: Honolulu, Hawai'i, September 27, 2005.



---

KENT D. MORIHARA  
MICHAEL H. LAU  
Ishikawa Morihara Lau & Fong LLP

Joint Outside Regulatory Counsel for  
Applicants

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22102 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

JIM R. YATES, PRESIDENT  
THE GAS COMPANY, LLC  
Topa Financial Center  
Fort Street Tower  
745 Fort Street, 18<sup>th</sup> Floor  
Honolulu, HI 96813

PETER STOKES  
MACQUARIE GAS HOLDINGS LLC  
125 West 55<sup>th</sup> Street, 22<sup>nd</sup> Floor  
New York, NY 10019

JEFFREY SAFCHIK  
k1 VENTURES LIMITED  
c/o K-1 USA VENTURES, INC.  
2601 South Bayshore Drive, Suite 800  
Coconut Grove, FL 33133

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

Joint Outside Regulatory Counsel for  
Applicants

Certificate of Service

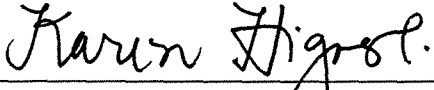
Page 2

THOMAS J. MOORE, ESQ.  
BENJAMIN G. CLARK, ESQ.  
LEBOEUF, LAMB, GREENE & MACRAE LLP  
1000 Main Street, Suite 2550  
Houston, TX 77002

Attorneys for Macquarie Gas Holdings LLC

SHERRY A. STANLEY, ESQ.  
2601 South Bayshore Drive, Suite 800  
Coconut Grove, FL 33133

Attorney for k1 Ventures Limited

  
\_\_\_\_\_  
Karen Higashi

DATED: November 4, 2005