

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate North Shore)
Wastewater Treatment, L.L.C.)
and its Predecessors-in-Interest,)
including Kuilima Resort Company.)

DOCKET NO. 05-0238

ORDER NO. 22120

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

2005 NOV 14 A 8:18

RECEIVED

Filed Nov. 10, 2005
At 2:30 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 the)	
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PUBLIC UTILITIES COMMISSION)	Docket No. 05-0238
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Instituting a Proceeding to)	Order No. 22120
Investigate North Shore)	
Wastewater Treatment, L.L.C.)	
and its Predecessors-in-Interest,)	
including Kuilima Resort Company.))	
_____)	

ORDER

The commission issues this prehearing order as a result of the prehearing conference held on November 10, 2005, in preparation for the Order to Show Cause ("OSC") hearing scheduled to commence on November 15, 2005.

I.

Introduction

On November 10, 2005, the commission held a prehearing conference pursuant to Hawaii Administrative Rules ("HAR") § 6-61-36, with representatives from NORTH SHORE WASTEWATER TREATMENT, L.L.C. ("NSWT"), its predecessor-in-interest, KUILIMA RESORT COMPANY ("KRC"), the ASSOCIATION OF APARTMENT OWNERS for the KUILIMA ESTATES WEST and KUILIMA ESTATES EAST (collectively, the "AOAOs"), and the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate").¹

¹NSWT, KRC, the AOAOs, and the Consumer Advocate are collectively referred to as the "Parties."

The commission issues this prehearing order, in accordance with HAR § 6-61-37.

II.

Prehearing Order

For this proceeding NSWTT and KRC are jointly designated as Respondents, while the AOAOs are jointly designated as Petitioners.

As previously stated by the commission, the purpose of the OSC hearing is for Respondents to "show cause as to why the commission should not suspend or abate NSWTT's initial tariff rates on a permanent basis, and to address the issues identified in Section I [of Order No. 22045]."² Docket No. 05-0238 is not a general rate case proceeding, and NSWTT's rate design approved by the commission in Docket No. 04-0298, and the methodology used in calculating the rate design, will not be at issue in the OSC hearing.

Consistent with the agreements reached and actions taken at the prehearing conference, and unless modified otherwise by the commission, the following terms shall control this proceeding:

1. The Parties' exhibits shall be pre-marked as NSWTT-__ (or KRC-__), AOA0-__, and CA-__, as applicable.

2. As early as practicable on Monday morning, November 14, 2005, Petitioners and the Consumer Advocate shall deliver to each of the Parties, copies of their respective

²Order No. 22045, filed on September 21, 2005, at 11 and 14.

exhibits and exhibit list (if any), and file the same with the commission.

3. Unless waived, the Parties will commence with opening statements, as follows: (A) Respondents; (B) Petitioners; and (C) the Consumer Advocate. The Parties agree to dispense with closing statements.

4. The order of witness presentation and the cross-examination of witnesses, unless directed otherwise by the commission, shall proceed as follows: (A) Respondents; (B) Petitioners, and (C) the Consumer Advocate. Cross-examination of each witness shall follow the same order as the witness presentations, as applicable.

5. The number of witnesses for the OSC hearing will consist of: (A) Respondents, the two (2) witnesses who filed written testimonies; and (B) the Consumer Advocate, no more than one (1) witness, if necessary. Following the Consumer Advocate's review of Petitioners' documents on Monday morning, November 14, 2005, the Consumer Advocate, through its counsel, will notify the commission and other Parties of the identity of its witness. Petitioners, through its counsel, will notify the commission and other Parties as soon as possible of the number and identification of Petitioners' witnesses.

6. Respondents, at their option, may orally summarize their written testimonies at the OSC hearing. Respondents agree to a maximum of approximately five (5) minutes per witness for oral summary.

7. Post-hearing briefs are due no later than two (2) weeks following receipt of the hearing transcripts, subject to a Party's or the Parties' timely request for an extension of time to file the post-hearing briefs. Any extension, if granted, shall apply to all of the Parties. No rebuttal post-hearing briefs shall be filed.

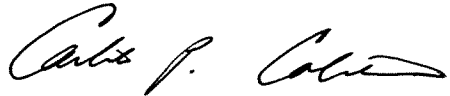
III.

Order

THE COMMISSION ORDERS that the terms set forth in this Order shall govern the remainder of this proceeding, unless modified or ordered otherwise by the commission.


DONE at Honolulu, Hawaii NOV 10 2005.

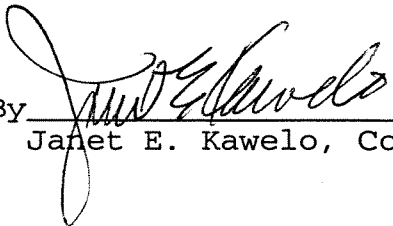
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

By 
Janet E. Kawelo, Commissioner

05-0238.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22120 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

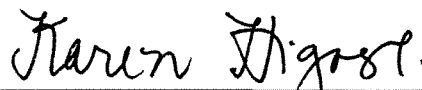
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EAST AOA



Karen Higashi

DATED: NOV 10 2005