

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
MANELE WATER RESOURCES, LLC)
)
For a Certificate of Public)
Convenience and Necessity Pursuant)
to Section 269-7.5 to Provide)
Sewer Service in Manele-Hulopoe,)
Lana`i; and for Approval of Rules,)
Regulations, and Rates.)
_____)

DOCKET NO. 2006-0166

DECISION AND ORDER NO. 23295

Filed March 13, 2007
At 2 o'clock P .M.

Karen Higashi
Chief Clerk of the Commission

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

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

Karen Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MANELE WATER RESOURCES, LLC)
For a Certificate of Public Convenience and Necessity Pursuant)
to Section 269-7.5 to Provide Sewer Service in Manele-Hulopoe,)
Lana'i; and for Approval of Rules, Regulations, and Rates.)
_____)

Docket No. 2006-0166
Decision and Order No. 23295

DECISION AND ORDER

By this Decision and Order, the commission adopts Proposed Decision and Order No. 23250, filed on February 7, 2007, as its Decision and Order in this proceeding.

I.

Proposed Decision and Order No. 23250

On February 7, 2007, the commission timely issued Proposed Decision and Order No. 23250, as mandated by Hawaii Revised Statutes ("HRS") § 269-16(f), and in connection with the application filed by MANELE WATER RESOURCES, LLC ("Applicant") on June 28, 2006.¹

In Proposed Decision and Order No. 23250, the commission approved: (1) Applicant's request for a certificate of public convenience and necessity ("CPCN") to provide sewer

¹Application, Exhibits A - L, Verification, and Certificate of Service, filed on June 28, 2006 ("Application").

service in Manele-Hulopoe, Lana'i; (2) the initial rates for Applicant that were agreed upon by the Applicant and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate")² (jointly, the "Parties"); (3) the Parties' stipulated modifications to Applicant's proposed Rules and Regulations, as well as Applicant's proposed Rule 14 that allowed Applicant to implement an Automatic Power Cost Adjustment Charge, which was disputed by the Parties; and (4) Applicant's request to enter into certain transactions with its affiliates for the transfer of ownership of plant and facilities, and for licenses and easements.³

II.

The Parties' Acceptance of the Proposed Decision and Order

On February 13, 2007, Applicant accepted in toto Proposed Decision and Order No. 23250.⁴ By letter dated and filed February 16, 2007, the Consumer Advocate, likewise, accepted Proposed Decision and Order No. 23250.⁵

²The Consumer Advocate is an ex officio party to this docket pursuant to HRS § 269-51 and Hawaii Administrative Rules § 6-61-62.

³Commission approval of Applicant's requests for a CPCN and for approval to enter into the transfer transactions were made subject to the condition that Applicant submit copies of documents memorializing the transactions with its affiliates, within thirty days after the issuance of this Decision and Order.

⁴See Letter dated February 12, 2007 and filed February 13, 2007, from Applicant to the commission.

⁵See Letter dated and filed February 16, 2007, from the Consumer Advocate to the commission.

III.

Adoption of Proposed Decision and Order No. 23250

The Parties have accepted Proposed Decision and Order No. 23250. Accordingly, the Parties are not entitled to a contested case hearing, and HRS § 269-15.5 does not apply.⁶ See HRS § 269-16(f)(3). In light of the foregoing, the commission adopts in toto Proposed Decision and Order No. 23250.

IV.

Orders

THE COMMISSION ORDERS:

1. Proposed Decision and Order No. 23250, filed on February 7, 2007, is adopted as the commission's Decision and Order in this proceeding.

2. Within thirty days of the date of this Decision and Order, Applicant shall submit documents memorializing the transfer of ownership of the subject wastewater plant and facilities, and grants of easements and licenses from Applicant's affiliates.⁷

3. Within fifteen days of the date of this Decision and Order, Applicant shall file its revised tariff sheets and rate schedules, reflecting the initial rates and

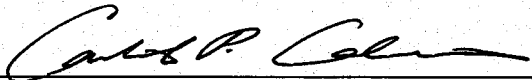
⁶See Proposed Decision and Order No. 23250, at 30, ¶ 1.

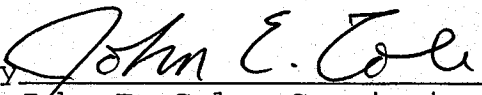
⁷Within thirty days of Applicant's submission, the Consumer Advocate may file comments, if any, on the documents submitted by Applicant.

charges and changes to its Rules and Regulations authorized by Proposed Decision and Order No. 23250.⁸

DONE at Honolulu, Hawaii MAR 13 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Kaiulani Kidani Shinsato
Commission Counsel

2006-0166.eh

⁸Applicant's tariff changes and initial rates and charges shall take effect upon the commission's review and approval of this filing.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23295 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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EXECUTIVE DIRECTOR
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Karen Higashi

DATED: MAR 13 2007