

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII-AMERICAN WATER COMPANY)
For Approval of Rate Increases)
and Revised Rate Schedules and)
Rules.)
_____)

DOCKET NO. 2007-0180

ORDER GRANTING THE PARTIES' REQUESTS
TO AMEND THE STIPULATED REGULATORY SCHEDULE

RECEIVED

2008 SEP 18 A 9:15

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

PUBLIC UTILITIES
COMMISSION

2008 SEP 16 A 11:35

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII-AMERICAN WATER COMPANY) Docket No. 2007-0180
For Approval of Rate Increases)
and Revised Rate Schedules and)
Rules.)
_____)

ORDER GRANTING THE PARTIES' REQUESTS
TO AMEND THE STIPULATED REGULATORY SCHEDULE

By this Order,¹ the commission grants the Parties' letter requests, filed on July 30, 2008 ("Parties' July 30, 2008 letter"), August 18, 2008 ("Parties' August 18, 2008 letter"), and September 11, 2008 ("Parties' September 11, 2008 letter") to amend the stipulated regulatory schedule that governs the remainder of this proceeding, as modified, as further explained below.

¹The Parties in this proceeding are: (1) HAWAII-AMERICAN WATER COMPANY ("HAWC"); (2) the CITY AND COUNTY OF HONOLULU ("City"); and (3) the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

I.

Background

The following dates presently govern the proceeding:

	DATE	PROCEDURAL STEPS
1.	Monday, October 29, 2007	Application filed at Commission
2.	Monday, January 7, 2008	1 st Public Hearing
3.	Monday, March 31, 2008 through Wednesday, May 14, 2008	Consumer Advocate's and City's Submissions of Information Requests (IRs) to HAWC
4.		HAWC's Responses to Consumer Advocate's and City's IRs
5.	Monday, April 14, 2008	2 nd Public Hearing
6.	Monday, June 30, 2008	Filing of Direct Testimonies and Exhibits by Consumer Advocate and City
7.	Monday, July 7, 2008	HAWC's Submission of IRs to Consumer Advocate and/or City; Settlement Discussions (if any)
8.	Thursday, July 24, 2008	Consumer Advocate's and/or City's Responses to HAWC's IRs
9.	Monday, August 4, 2008	HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City
10.	Monday, August 18, 2008	Consumer Advocate's and/or City's Submission(s) of Rebuttal IRs to HAWC
11.	Tuesday, September 2, 2008	HAWC's Responses to Consumer Advocate's and/or City's Rebuttal IRs
12.	Thursday, September 11, 2008	Settlement Letter/Agreement (if any) to Commission

	DATE	PROCEDURAL STEPS
13.	Monday, September 22, 2008, 9 a.m.	Prehearing Conference
14.	Monday, September 22, 2008	Statement of Probable Entitlement
15.	Friday, September 26, 2008	Consumer Advocate's Response, if any, to Statement of Probable Entitlement
16.	Week of September 29, 2008	Evidentiary Hearing (if no settlement)
17.	No later than Friday, October 10, 2008	Interim Decision and Order (if no settlement)
18.	3 weeks after transcript completed and filed with the Commission	Simultaneous proposed Findings of Fact/Conclusions of Law from HAWC/Consumer Advocate/City
19.	2 weeks after proposed Findings of Facts/Conclusions of Law	Comments to proposed Findings of Fact/Conclusions of Law from HAWC/Consumer Advocate/City
20.		Decision and Order

See Stipulated Prehearing Order, Exhibit "A" to Order No. 24178, filed on May 6, 2008, as amended by the commission's letter to the Consumer Advocate, dated June 19, 2008.

By letters dated July 30, 2008, August 18, 2008, and September 11, 2008, the Parties request the commission's approval to amend Procedural Steps Nos. 9, 10, 11, 12, and 14.

II.

Discussion

HAR § 6-61-23 (a)(1) authorizes the commission, for good cause shown, to order a period of time enlarged, if a written request is made before the expiration of the period originally prescribed or as extended by a previous order.

With respect to this proceeding, the Parties jointly notified the commission that they were actively engaged in settlement discussions. The Parties stated:

[i]n order to give the Parties additional time to attempt to reach a global settlement on most, if not all, of their disputed issues, the Consumer Advocate and/or the City will not be submitting any Rebuttal IRs to HAWC, and have agreed to provide HAWC additional time (i.e., until September 11, 2008) to submit its Rebuttal Testimonies on any issues not resolved via settlement discussions, if necessary.

Parties' August 18, 2008 letter, at 2. For this reason, in the Parties' July 30, 2008 letter and the Parties' August 18, 2008 letters, they proposed the following amendments:

1. Extending the deadline from August 4, 2008 to September 11, 2008 for Settlement Letter and for any remaining disputed items, HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City on remaining disputed issues, thereby combining Procedural Steps Nos. 9 and 12; and

2. The Consumer Advocate and City have agreed not to submit any Rebuttal IRs to HAWC, thereby rendering as moot and unnecessary Procedural Steps Nos. 10 and 11.

In the Parties' September 11, 2008 letter, they stated:

[T]he Parties hereby agree to amend the regulatory schedule to provide additional time for the Parties to continue to pursue these settlement discussions. Amending the regulatory schedule to allow additional time to explore a potential settlement cannot be accommodated without the change in schedule. The Parties also agree that this change in the schedule will effectively promote the efficient and cost-effective allocation of resources, and should expedite the [c]ommission's review of the subject docket, particularly if a settlement can be reached on most, if not all, of these issues.

Parties' September 11, 2008 letter, at 2. For this reason, the Parties seek to amend the remaining procedural steps, as follows:

Consolidate Procedural Steps Nos. 9 and 12 with Procedural Step No. 14, and amend Procedural Step No. 14 as follows:

	PROCEDURAL STEPS	DATE	PROPOSED DATE
14.	Statement of Probable Entitlement and Settlement Letter and, for any remaining disputed items, HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City	Thursday, September 11, 2008	Monday, September 22, 2008

See Parties' September 11, 2008 letter, at 2.

Based on the representations set forth in the Parties' July 30, 2008 letter, the Parties' August 18, 2008 letter, and the Parties' September 11, 2008 letter, the commission finds good cause to grant the Parties' requests to amend the procedural

steps except that Procedural Step No. 12 will be amended such that the deadlines for any Settlement Letter and HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City shall be Friday, September 19, 2008.

Accordingly, the procedural steps are hereby amended as follows:

	DATE	PROCEDURAL STEPS
9.	[Monday, August 4, 2008] <u>Deleted</u>	[HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City] <u>Deleted</u>
10.	[Monday, August 18 2008] <u>Deleted</u>	[Consumer Advocate's and/or City's Submission(s) of Rebuttal IRs to HAWC] <u>Deleted</u>
11.	[Tuesday, September 2, 2008] <u>Deleted</u>	[HAWC's Responses to Consumer Advocate's and/or City's Rebuttal IRs] <u>Deleted</u>
12.	[Thursday, September 11, 2008] <u>Friday, September 19, 2008</u>	Settlement Letter/Agreement (if any) to Commission <u>and, for any remaining disputed items, HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City</u>
13.	Monday, September 22, 2008, 9 a.m.	Prehearing Conference
14.	Monday, September 22, 2008	Statement of Probable Entitlement
15.	Friday, September 26, 2008	Consumer Advocate's Response, if any, to Statement of Probable Entitlement

	DATE	PROCEDURAL STEPS
16.	Week of September 29, 2008	Evidentiary Hearing (if no settlement)
17.	No later than Friday, October 10, 2008	Interim Decision and Order (if no settlement)
18.	3 weeks after transcript completed and filed with the Commission	Simultaneous proposed Findings of Fact/Conclusions of Law from HAWC/Consumer Advocate/City
19.	2 weeks after proposed Findings of Facts/Conclusions of Law	Comments to proposed Findings of Fact/Conclusions of Law from HAWC/Consumer Advocate/City
20.		Decision and Order

III.

Orders

THE COMMISSION ORDERS:

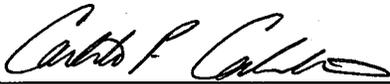
1. The Parties' July 30, 2008 letter, the Parties' August 18, 2008 letter, and the Parties' September 11, 2008 letter requests to amend the schedule of proceedings that govern the remainder of this proceeding, are granted, as modified.

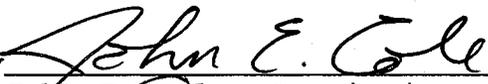
2. The Stipulated Regulatory Schedule, attached as Exhibit "A" to Order No. 24178, filed on May 6, 2008, as amended by the commission's letter to the Consumer Advocate, dated June 19, 2008, is therefore amended and shall now reflect the following:

	DATE	PROCEDURAL STEPS
9.	Deleted	Deleted
10.	Deleted	Deleted
11.	Deleted	Deleted
12.	Friday, September 19, 2008	Settlement Letter/Agreement (if any) to Commission and, for any remaining disputed items, HAWC's Rebuttal Testimonies to Direct Testimonies and Exhibits of Consumer Advocate and/or City
13.	Monday, September 22, 2008, 9 a.m.	Prehearing Conference
14.	Monday, September 22, 2008	Statement of Probable Entitlement
15.	Friday, September 26, 2008	Consumer Advocate's Response, if any, to Statement of Probable Entitlement
16.	Week of September 29, 2008	Evidentiary Hearing (if no settlement)
17.	No later than Friday, October 10, 2008	Interim Decision and Order (if no settlement)
18.	3 weeks after transcript completed and filed with the Commission	Simultaneous proposed Findings of Fact/Conclusions of Law from HAWC/Consumer Advocate/City
19.	2 weeks after proposed Findings of Facts/Conclusions of Law	Comments to proposed Findings of Fact/Conclusions of Law from HAWC/Consumer Advocate/City
20.		Decision and Order

DONE at Honolulu, Hawaii SEP 16 2008

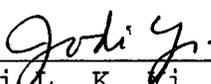
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Jodi L. K. Ii
Commission Counsel

2007-0180.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

RODNEY L. JORDAN
c/o AMERICAN WATER WORKS SERVICE COMPANY, INC.
4701 Beloit Drive
Sacramento, CA 95838

LEE A. MANSFIELD, P.E.
MANAGER
HAWAII-AMERICAN WATER COMPANY
6700 Kalaniana'ole Highway
Suite 205
Honolulu, HI 96825

KENT D. MORIHARA, ESQ.
KRIS N. NAKAGAWA, ESQ.
SANDRA L. WILHIDE, ESQ.
RHONDA L. CHING, ESQ.
MORIHARA LAU & FONG, LLP
841 Bishop Street, Suite 400
Honolulu, HI 96813

Counsel for Hawaii-American Water Company

CARRIE K.S. OKINAGA, ESQ.
PAUL HERRAN, ESQ.
DEPARTMENT OF CORPORATION COUNSEL
530 S. King Street, Room 110
Honolulu, HI 96813