BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

AMERIGAS PROPANE, L.P. )
) Complainant,

vs. )

THE GAS COMPANY, a Division ) DOCKET NO. 98-0413
of Citizens Utilities Company) Respondent.

ORDER NO. 19841

Filed Dec. 4, 2002
At 8:00 o'clock A M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

AMERIGAS PROPANE, L.P.  )
Complainant,  )

vs.  )
THE GAS COMPANY, a Division of Citizens Utilities Company)  Docket No. 98-0413
Respondent.  )  Order No. 19841

ORDER

I.

On December 23, 1998, Complainant AMERIGAS PROPANE, L.P., a Delaware limited partnership, doing business as Oahu Gas Company and Maui Gas Service, filed a formal complaint with the commission against Respondent THE GAS COMPANY, a Division of Citizens Utilities Company. AmeriGas Propane, L.P., alleges that The Gas Company (fka Gasco Inc.) has failed to comply with a certain condition set forth in Decision and Order No. 15899, filed on September 10, 1997, in Docket No. 97-0035.¹

By Order No. 16776, filed on January 7, 1999, the commission directed The Gas Company to file its response to the complaint. On January 28, 1999, The Gas Company filed its answer, "denying that it has in any way failed to comply with the Commission's Decision and Order No. 15899[.]

¹In Docket No. 97-0035, the commission approved the sale and merger of Gasco Inc. with Citizens Utilities Company.
By letter filed on November 25, 2002, AmeriGas Propane, L.P. seeks to withdraw, without prejudice, its complaint against The Gas Company. AmeriGas Propane, L.P. explains that with the recent sale of Kauai Electric to the Kauai Island Utility Coop., the electric and gas utilities on the island of Kauai are once again owned by separate entities.

The commission will approve the withdrawal, and will dismiss, without prejudice, the subject complaint.

II.

THE COMMISSION ORDERS:

1. The withdrawal, filed on November 25, 2002, of AmeriGas Propane, L.P.'s complaint, is approved. The complaint against The Gas Company is dismissed, without prejudice.

2. This docket is closed.

DONE at Honolulu, Hawaii this 4th day of December, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

Wayne H. Kimura, Chairman
Janet E. Kawelo, Commissioner
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Kris N. Nakagawa
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No.19841 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

DOUGLAS A. STUART, ESQ.
AMERIGAS PROPAINE, L.P.
P. O. Box 965
Valley Forge, PA  19482

CRAIG I. NAKANISHI, ESQ.
CATALANI NAKANISHI & CALIBOSO
1212 Davies Pacific Center
841 Bishop Street
Honolulu, HI  96813

JIM R. YATES
VICE PRESIDENT AND GENERAL MANAGER
THE GAS COMPANY
841 Bishop Street, Suite 1700
Honolulu, HI  96813

GEORGE T. AOKI, ESQ.
THE GAS COMPANY
841 Bishop Street, Suite 1700
Honolulu, HI  96813

ALAN M. OSHIMA, ESQ.
OSHIMA, CHUN, FONG & CHUNG
841 Bishop Street, Suite 400
Honolulu, HI  96813
CERTIFICATE OF SERVICE - Continued

JOSEF D. COOPER, ESQ.
COOPER & KIRKHAM, P.C.
655 Montgomery Street, Suite 1799
San Francisco, CA 94111

DATED: December 4, 2002