BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of

WESTERN MOTOR TARIFF BUREAU, INC.

DOCKET NO. 02-0362

To Increase Rates and Charges
on Behalf of Motor Carriers
Participating in WMTB's Passenger
Carrier Tariff No. 8-C, Island
of Oahu.
WMTB Rate Notice No. 4322-8-C.

ORDER NO. 19860

Filed December 6, 2002
At 9:00 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.
ORDER

I.

On September 20, 2002, WESTERN MOTOR TARIFF BUREAU, INC. (WMTB) filed Rate Notice No. 4322-8-C, on behalf of motor carriers of passengers authorized to operate on the island of Oahu, and that participate in WMTB's Passenger Carrier Tariff No. 8-C. Specifically, WMTB seeks a five per cent across-the-board increase in its rates and charges for these Oahu-based member carriers. By Order No. 19692, filed on October 3, 2002, the commission: (1) suspended and placed under investigation WMTB's proposed tariff changes; and (2) named the Division of Consumer Advocacy as a necessary party.

On October 10, 2002, PC Services, Inc. and Polynesian Cultural Center (PCC) timely filed a joint motion to intervene. Among other things, PCC asserted that the information and data it was able to submit in this proceeding "will supplement [the] evidence pertaining to individual consumers and
will be critical to developing a comprehensive and complete record."

By Order No. 19741, filed on October 29, 2002, the commission denied intervention to PC Services, Inc., and granted intervention to PCC:

Upon review, it appears that WMTB's proposed increase in rates will directly impact Polynesian Cultural Center's operations. Thus, its allegations appear reasonably pertinent to the underlying issue in this proceeding. Accordingly, the commission will grant Polynesian Cultural Center's motion to intervene.

Thereafter, by Amended Prehearing Order No. 19736, filed on November 7, 2002, and Order No. 19782, filed on November 19, 2002, the commission incorporated PCC's status as a party intervenor.

The commission accommodated PCC's intervenor status by extending and setting new deadline dates in the schedule of proceedings. Nonetheless, PCC did not issue any information requests or otherwise participate in this proceeding. Instead, by notice filed on November 27, 2002, PCC seeks commission approval to withdraw as a party intervenor. PCC does not state any reasons for its withdrawal.

Upon review, the commission will: (1) approve this request; (2) dismiss PCC as an intervenor; and (3) amend its prehearing order by deleting the references to PCC.¹

¹In response to PCC's notice, WMTB, on November 29, 2002, withdrew its request to conduct discovery on PCC.
THE COMMISSION ORDERS:

1. Polynesian Cultural Center's request to withdraw as an intervenor, filed on November 27, 2002, is approved. Polynesian Cultural Center is dismissed as an intervenor, effective from the date of this order.

2. Amended Prehearing Order No. 19736, filed on November 7, 2002, is amended by deleting the references to Polynesian Cultural Center. In all other respects, Amended Prehearing Order No. 19736 remains unchanged.

3. Order No. 19782, filed on November 19, 2002, is vacated.

DONE at Honolulu, Hawaii this 6th day of December, 2002.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Wayne H. Kimura, Chairman

By Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By Gregg J. Kinkley, Commissioner

Michael Azama
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19860 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

WESTERN MOTOR TARIFF BUREAU, INC.
P. O. Box 30268
Honolulu, HI 96820

JONATHAN S. DURRETT, ESQ.
VALERIE J. LAM, ESQ.
1001 Bishop Street
Pauahi Tower, Suite 808
Honolulu, HI 96813

Attorneys for POLYNESIAN CULTURAL CENTER

DATED: December 6, 2002