## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

MAUNA LANI STP, INC.

DOCKET NO. 02-0392

For Review and Approval of Rate Increases; Revised Rate Schedules.

ORDER NO. 19990

Filed Jan. 29 8:00 \_o'clock

Chief Clerk of the

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

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## <u>ORDER</u>

I.

By an application filed on November 1, 2002, MAUNA LANI STP, INC. (MLSTP) seeks commission approval to change its wastewater rates, in accordance with Hawaii Revised Statutes (HRS) § 269-16.

MLSTP served copies of the application on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By its Statement of Position Regarding Completeness of Application, filed on November 27, 2002, the Consumer Advocate advises that it does not object to the completeness of the instant application.

II.

On January 9, 2003, the commission held a public hearing on MLSTP's application, in the Ballroom of the Mauna Lani Bay Hotel, 68-1400 Mauna Lani Drive, Kohala Coast, HI 96743, pursuant

to HRS §§ 269-12 and 269-16. As of this date, the commission has not received any motions to intervene or participate in this proceeding, pursuant to Hawaii Administrative Rules (HAR) §§ 6-61-55, 6-61-56 and 6-61-57.

Because no persons moved to intervene or participate in this proceeding, we conclude that MLSTP and the Consumer Advocate should meet informally to formulate the issues, procedures, and schedule with respect to this proceeding, to be set forth in a stipulated prehearing order that shall be submitted for commission approval within 30 days from the date of this order. In the alternative, if the parties are unable to stipulate to such order, we conclude that each party shall submit a proposed prehearing order for the commission's consideration within 30 days from the date of this order.

III.

THE COMMISSION ORDERS that MLSTP and the Consumer Advocate shall meet informally to formulate the issues, procedures, and schedule with respect to this proceeding, to be set

<sup>&</sup>lt;sup>1</sup>A Notice of Hearing was published statewide, in accordance with HRS §§ 269-12 and 1-28.5, on December 18 and 26, 2002 and January 2 and 8, 2003. HRS § 269-12(c) requires publication at least 21 days in advance of the hearing. The commission must follow the State Comptroller's directive in publishing the notice. HRS § 1-28.5.

<sup>&</sup>lt;sup>2</sup>Pursuant to Hawaii Administrative Rules (HAR) § 6-61-57(1), the deadline by which all interested persons desiring to file a motion to intervene or participate in this docket was January 21, 2003.

forth in a stipulated prehearing order. The stipulated prehearing order shall be submitted for commission approval within 30 days of this order. If the parties to this docket are unable to stipulate to such an order, each party shall submit a proposed prehearing order for the commission's consideration by the same date. In determining the above-requested procedural schedule, the parties shall consider the following:

The parties to this docket shall submit a settlement agreement, if any, to the commission for its review, at least three weeks prior to any evidentiary hearing that may be held with respect to this docket.

DONE at Honolulu, Hawaii this 29th day of January, 2003.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Myw H. Kimura, Chairman

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Gregg Kinkley, Commissioner

Catherine P. Awakuni Commission Counsel

02-0392.eh

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19990 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

ALAN M. OSHIMA, ESQ. LAWRENCE M. REIFURTH, ESQ. OSHIMA CHUN FONG & CHUNG LLP 841 Bishop Street, Suite 400 Honolulu, HI 96813

FLORENCE M. OZAKI VICE PRESIDENT AND TREASURER MAUNA LANI STP, INC. 68-1400 Mauna Lani Drive, Suite 102 Kohala Coast, HI 96743-9726

un Marshi

Karen Higashi

DATED: January 29, 2003