

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 KUKIO UTILITY COMPANY, LLC)
)
 For a Certificate of Public)
 Convenience and Necessity Pursuant)
 to Section 269-7.5, Hawaii Revised)
 Statutes, to Provide Water and)
 Sewage Treatment Services in Kukio,)
 North Kona, Hawaii; Approval of)
 Water Purchase Agreement with WB)
 Kukio Resorts, LLC Pursuant to)
 Section 269-19.5, Hawaii Revised)
 Statutes; and for Approval of)
 Rules, Regulations and Rates.)
)

DOCKET NO. 01-0433

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2003 MAY -7 P 3:54

DIV. OF CONSUMER AFFAIRS
DEPT. OF COMMERCE
CONSUMER AID
STAFF

ORDER NO. 20170

Filed May 7, 2003

At 11:00 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.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KUKIO UTILITY COMPANY, LLC)
For a Certificate of Public Convenience and Necessity Pursuant to Section 269-7.5, Hawaii Revised Statutes, to Provide Water and Sewage Treatment Services in Kukio, North Kona, Hawaii; Approval of Water Purchase Agreement with WB Kukio Resorts, LLC Pursuant to Section 269-19.5, Hawaii Revised Statutes; and for Approval of Rules, Regulations and Rates.)
_____)

Docket No. 01-0433

Order No. 20170

ORDER

I.

By Order No. 20122, filed on April 14, 2003, the commission granted KUKIO UTILITY COMPANY, LLC's (Kukio) request for an enlargement of time for filing a motion for reconsideration and/or clarification of Decision and Order No. 20103 (motion for reconsideration and/or clarification), and motion to stay portions of Part VI, subparts 4 and 5 of Decision and Order No. 20103, filed on March 27, 2003 in this docket.¹ Pursuant to Order No. 20122, Kukio was given until April 30, 2003 in which to file its motion

¹In Decision and Order No. 20103, the commission determined, among other things, that Kukio failed to provide sufficient evidence to allow the commission to adequately resolve whether the transfer of utility assets from the developer to Kukio should be deemed for value and not a contribution-in-aid-of construction, and that Kukio's proposed non-potable irrigation water service within the proposed service area should be regulated.

for reconsideration and/or clarification. On April 23, 2003 Kukio filed a motion to further enlarge the time to file its motion for reconsideration and/or clarification, until May 15, 2003.

Kukio states that it is unable to prepare its motion for reconsideration and/or clarification, and to gather supporting documents, because (1) the demands of the current tax season on its outside regulatory accountant were greater than expected, and the accountant has notified Kukio that he will not be able to compile and prepare the necessary documentation until after April 30, 2003, and (2) the individual charged with providing Kukio's response to the commission's determination that the proposed non-potable irrigation water service should be regulated will be out of state and unable to prepare a response by the April 30 deadline.

By a statement signed on April 23, 2003 and attached to Kukio's motion, the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (Consumer Advocate) states that it does not object to Kukio's motion to further enlarge time for filing a motion for reconsideration and/or clarification.

II.

Pursuant to HAR § 6-61-23(a), we may, in our discretion, grant a request for an enlargement of time upon a showing of good cause. Based upon Kukio's representations, and the Consumer Advocate's statement of no opposition to Kukio's motion to further enlarge time for filing a motion for reconsideration and/or clarification, the commission finds good cause to grant Kukio's motion for a further enlargement of time.

III.

THE COMMISSION ORDERS:

1. Kukio's Motion to Further Enlarge Time for Filing Motion for Reconsideration and/or Clarification of Decision and Order No. 20103 filed on March 27, 2003, is granted.

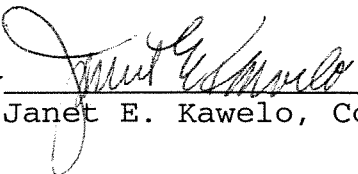
2. Kukio shall file its motion for reconsideration and/or clarification by May 15, 2003.

DONE at Honolulu, Hawaii this 7th day of May, 2003.

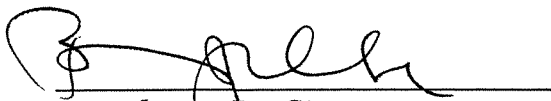
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By _____ (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

01-0433.sl1

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20170 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

KUKIO UTILITY COMPANY, LLC
Attention: Milton K. Morinaga
P. O. Box 5349
Kailua-Kona, HI 96745-5349

ALAN M. OSHIMA, ESQ.
KENT D. MORIHARA, ESQ.
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Honolulu, HI 96813



Karen Higashi

DATED: May 7, 2003