

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
APOLLO ENERGY CORPORATION)
Pursuant to Section 6-74-15,)
Hawaii Administrative Rules.)
_____)

DOCKET NO. 00-0135

ORDER NO. 21122

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

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Filed July 16, 2004
At 2:00 o'clock P.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 Petition of)
APOLLO ENERGY CORPORATION) Docket No. 00-0135
Pursuant to Section 6-74-15,) Order No. 21122
Hawaii Administrative Rules.)
_____)

ORDER

On June 25, 2004, APOLLO ENERGY CORPORATION ("Apollo") and HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") (collectively, the "Parties") filed their respective briefs, in compliance with Order No. 21054, filed on June 14, 2004. In addition, on June 28, 2004, Apollo filed an addendum to its brief.

HELCO's brief includes four (4) Exhibits, A through D. HELCO acknowledges that: (1) its Exhibits C and D appear to be outside the scope of the four (4) issues identified in Order No. 21020, filed on June 2, 2004; and (2) if so, Exhibits C and D can be stricken from the docket record.

On July 1, 2004, Apollo filed a motion to strike HELCO's Exhibits C and D, asserting that "Exhibits C and D add nine (9) pages of argument to HELCO's brief on issues not identified in the Commission's Order, without any opportunity for argument from Apollo."¹ On July 12, 2004, HELCO filed its response to Apollo's motion to strike, stating that it does not

¹Apollo's motion to strike, at 3.

object to striking its Exhibits C and D, "because Apollo generally did not address these subjects in its Brief[.]"²

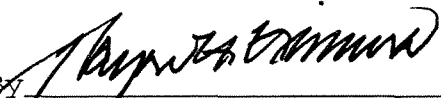
The Parties agree that HELCO's Exhibits C and D consist of matters that are outside the scope of the four (4) issues. The commission grants Apollo's motion to strike HELCO's Exhibits C and D and said Exhibits are stricken from the docket record.

THE COMMISSION ORDERS that Apollo's motion, filed on July 1, 2004, to strike HELCO's Exhibits C and D from the docket record is granted. Said Exhibits are stricken from the docket record.


DONE at Honolulu, Hawaii this 16th day of July, 2004.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

By 
Janet E. Kawelo, Commissioner

00-0135.sl11

²HELCO's memorandum in response to Apollo's motion to strike, at 2.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21122 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: July 16, 2004