BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
IVAR F. KAIPO, dba
LEHUA WATER DELIVERY SERVICE )
For a Motor Carrier Certificate or )
Permit.
)

DOCKET NO. 04-0100

ORDER NO. 21225

Filed __________________, 2004
At ____ o'clock ___ P.M.

[Signature]
Chief Clerk of the Commission

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

In the Matter of the Application of

IVAR F. KAIP0, dba
LEHUA WATER DELIVERY SERVICE

For a Motor Carrier Certificate or
Permit.

ORDER

I.
Motion to Intervene

On May 10, 2004, IVAR F. KAIP0, dba LEHUA WATER DELIVERY SERVICE ("Applicant"), filed an application with the commission for a certificate of public convenience and necessity to operate as a common carrier in the specific commodities classification, i.e., water transport, on the island of Hawaii.

By a statement of position filed with the commission on May 12, 2004, the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, stated that it would not participate in the instant proceeding. On June 16, 2004, a timely motion to intervene in this proceeding ("Motion to Intervene") was filed by A.C. Young Enterprises ("Movant").

II.
Discussion

Pursuant to Hawaii Administrative Rules § 6-61-55, "[i]ntervention shall not be granted except on allegations which
are reasonably pertinent to and do not unreasonably broaden the issues already presented." Additionally, intervention as a party in a proceeding before us is a matter resting within our sound discretion. See In re Application of Hawaiian Electric Co., Ltd., 56 Haw. 260 (1975).

In its Motion to Intervene, Movant alleges, among other things, that Applicant will take business away from Movant, of which Movant has invested considerably in time and money. Moreover, Movant asserts that granting its Motion to Intervene will not unduly broaden the issues nor delay the progress of this proceeding.

Based upon our review of the Motion to Intervene, we find that Movant's assertions do not warrant a grant of intervention by the commission. Movant has not convinced the commission that its participation as a party is necessary to a proper determination of the instant application, or that a grant of intervention to Movant would not unnecessarily delay the instant proceeding. Thus, the commission concludes that Movant's Motion to Intervene should be denied.

III.

Order

THE COMMISSION ORDERS that Movant's Motion to Intervene, filed on June 16, 2004, is denied.
DONE at Honolulu, Hawaii this 6th day of August, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

Carlito P. Caliboso, Chairman

By

Wayne H. Kimura, Commissioner

By

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By

Benedyne S. Stone
Commission Counsel

04-0100.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21225 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

IVAR F. KAIPPO, dba
LEHUA WATER DELIVERY SERVICE
P. O. Box 7063, PMB #438
Oceanview, HI 96737

A.C. YOUNG ENTERPRISES
P. O. Box 92
Naalehu, HI 96772

SANDRA-ANN Y.H. WONG, ESQ.
1050 Bishop Street, #514
Honolulu, HI 96813

DATED: AUG 06 2004

Karen Higashi