

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

WAIMANA ENTERPRISES, INC.,)
)
Complainant,)
)
)
vs.)
)
MAUI ELECTRIC COMPANY, LTD.,)
)
Respondent.)
_____)

DOCKET NO. 6954

ORDER NO. 21336

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

2004 SEP 13 A 8:54

RECEIVED

Filed Sept. 10, 2004
At 1 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

WAIMANA ENTERPRISES, INC.,)	
)	
Complainant,)	Docket No. 6954
)	
vs.)	Order No. 21336
)	
MAUI ELECTRIC COMPANY, LTD.,)	
)	
Respondent.)	
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ORDER

I.

Procedural History

On March 28, 1991, WAIMANA ENTERPRISES, INC. ("Waimana") filed a formal complaint with the commission against MAUI ELECTRIC COMPANY, LTD. ("MECO"). Among other things, Waimana requests the commission to issue an order compelling MECO to comply with the commission's administrative rules and to execute the March 19, 1991 version of the Power Purchase Agreement.

On April 17, 1991, the commission ordered MECO to either satisfy the matters complained of, or file an answer to the formal complaint with the commission within ten (10) days after the date of service of the order.¹

¹Order No. 11036, filed on April 17, 1991.

On April 29, 1991, MECO filed its answer to the formal complaint.²

On May 17, 1991, the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate") submitted its Statement of Position advising the commission, Waimana, and MECO that it would participate in this proceeding.³

On July 22, 1991, the commission issued Stipulated Prehearing Order No. 11186 which, among other things, sets forth the issues and procedural schedule with respect to this proceeding.

On September 23, 1991, the commission held an evidentiary hearing on this matter. Subsequent to the evidentiary hearing and pursuant to the procedural schedule set forth in Stipulated Prehearing Order No. 11186, the Parties submitted opening and reply briefs addressing the issues of this proceeding.

II.

Discussion

Upon our review of the record, we find that we should give the parties an opportunity to update their positions and the status of the matters of this docket before we can finally resolve the issues in this docket. Since the evidentiary hearing on this matter was held almost thirteen (13) years ago, the evidence and information submitted in this docket are now stale

²Exhibit A to MECO's answer was filed on May 8, 1991.

³Waimana, MECO and the Consumer Advocate, hereinafter collectively referred to as "Parties."

and may no longer be reliable and relevant to the disposition of the issues in this proceeding. Due to the passage of time, the positions of the Parties, as set forth in their written briefs submitted in 1991, may have changed as well.

Accordingly, we find it necessary and beneficial to provide the Parties an opportunity to review the evidence and information of this docket, and provide the commission with a brief status report as to whether the record needs to be further updated or supplemented and whether their positions have changed. The status reports will be due within sixty (60) days of the date of this order. Further commission action to resolve the outstanding issues in this docket will follow.

III.

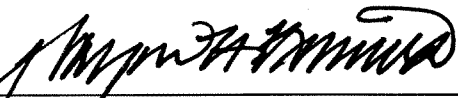
Order

THE COMMISSION ORDERS the Parties to review the evidence and information of this docket, and provide the commission with a brief status report within sixty (60) days of the date of this order as to whether the record needs to be further updated or supplemented and whether their positions have changed since 1991. Further commission action to resolve the outstanding issues in this docket will follow.

DONE at Honolulu, Hawaii SEP 10 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:


Kris N. Nakagawa
Commission Counsel

6954.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21336 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
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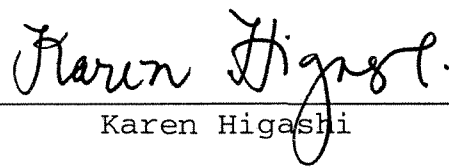
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Certificate of Service

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Karen Higashi

DATED: SEP 10 2004