





In brief, the commission must make every effort to issue its Proposed Decision and Order within six (6) months from the filing date of Pukalani's complete Application,<sup>2</sup> "provided that all [P]arties to the proceeding strictly comply with the procedural schedule established by the commission and no person is permitted to intervene." HRS § 269-16(f)(3).

Stipulated Procedural Order No. 21771, filed on April 22, 2005, sets forth the procedural deadlines governing Pukalani's request for a general rate increase, including the deadline dates of: (1) July 7, 2005 for the Consumer Advocate to file its direct testimonies and exhibits; and (2) July 18, 2005 for Pukalani to submit its information requests to the Consumer Advocate.

The Consumer Advocate, by letter dated July 7, 2005, requests: (1) a four (4)-day extension of time, from July 7 to July 11, 2005, to file its direct testimonies and exhibits; and (2) a two (2)-day extension of time, from July 18 to July 20, 2005, for Pukalani to submit its information requests to the Consumer Advocate. The Consumer Advocate represents that: (1) due to its existing work load, it is "unable to complete its filing as required[;]" and (2) Pukalani "do[es] not object to the Commission's approval of the proposed schedule modification."<sup>3</sup>

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<sup>2</sup>Pukalani's Application, Exhibits PSTP 1 to PSTP 11, Verification, and Certificate of Service, filed on March 1, 2005 (collectively, the "Application"). The commission deemed the Application complete, as of March 1, 2005. See Order No. 21706, filed on March 24, 2005.

<sup>3</sup>Consumer Advocate's letter, dated July 7, 2005, at 1 - 2.

The commission finds good cause to approve the Consumer Advocate's requests for extensions of time, as noted above, in accordance with Hawaii Administrative Rules § 6-61-23(a)(1).<sup>4</sup>

Presently, the six (6)-month deadline governing the commission's issuance of its Proposed Decision and Order is on or about September 1, 2005. This September 1<sup>st</sup> deadline date is predicated on the Parties' strict compliance with the commission-established procedural deadline dates.<sup>5</sup> Given the non-compliance with the commission's procedural schedule, under a strict interpretation of HRS § 269-16(f), the six (6)-month deadline governing the commission's issuance of its Proposed Decision and Order would ordinarily no longer apply.

Nonetheless, in this instance, the commission notes that the extensions of time are in response to the Consumer Advocate's requests, not Pukalani's, and the total duration of the approved extension is six (6) days. Hence, the commission will treat the Consumer Advocate's extension requests and Pukalani's concurrence thereto as a corresponding request to extend for six (6) days, from September 1, 2005 to September 7, 2005, the six (6)-month deadline governing commission action under HRS § 269-16(f). The commission finds good cause to approve the Consumer Advocate's corresponding request for a

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<sup>4</sup>See also Stipulated Procedural Order No. 21771, Exhibit 1, Section X, General, at 8 (modification of the procedural schedule to prevent manifest injustice).

<sup>5</sup>In addition, the deadline for interested persons to move to intervene or participate expired on May 20, 2005, and no persons move to intervene or participate.

six (6)-day extension of time for the commission to comply with the six (6)-month deadline governing commission action set forth in HRS § 269-16(f).<sup>6</sup>

## II.

### Orders

#### THE COMMISSION ORDERS:

1. The Consumer Advocate's requests to extend the deadline dates to file its direct testimonies and exhibits, from July 7 to July 11, 2005, and for Pukalani to submit its information requests to the Consumer Advocate, from July 18 to July 20, 2005, are approved.

2. The Consumer Advocate's corresponding request to extend the deadline date, from September 1 to September 7, 2005, to comply with the six (6)-month deadline governing commission action set forth in HRS § 269-16(f), is approved.

3. Stipulated Procedural Order No. 21771, filed on April 22, 2005, is amended, consistent with Ordering Paragraphs Nos. 1 and 2, above. In all other respects, Stipulated Procedural Order No. 21771 remains unchanged.


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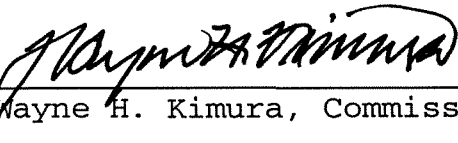
<sup>6</sup>In the event future requests to modify or extend the procedural schedule are submitted, the commission reserves the right, depending on the specific facts and circumstances, to strictly interpret the proviso under HRS § 269-16(f)(3) that the Parties must strictly comply with the commission-established procedural schedule in order to trigger the six (6)-month Proposed Decision and Order mandate.

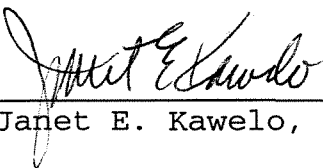
DONE at Honolulu, Hawaii

JUL 15 2005


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:

  
Michael Azama  
Commission Counsel

05-0025.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21920 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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Karen Higashi

DATED: JUL 15 2005