

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting Proceedings)
Relating to the Determination)
Of the Appropriate Fees and)
Assessments to Finance the)
Administration and Operation)
Of the One Call Center.)
_____)

DOCKET NO. 05-0195

ORDER NO. 22020

Filed September 9, 2005
At 1 o'clock P.M.

for Michelle S.U.M. Kau
Chief Clerk of the Commission

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

ATTEST: A True Copy
BROOKE K. KANE
for Administrative Director
Public Utilities Commission
State of Hawaii

Michelle S.U.M. Kau

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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PUBLIC UTILITIES COMMISSION)	Docket No. 05-0195
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Relating to the Determination)	
Of the Appropriate Fees and)	
Assessments to Finance the)	
Administration and Operation)	
Of the One Call Center.)	
_____)	

Order

By this Order, the commission grants the motion to intervene of HAWAII-AMERICAN WATER COMPANY ("Hawaii-American Water" or "Movant").

I.

Procedural History

On August 10, 2005, the commission, by Order No. 21976, instituted a proceeding to determine the appropriate fees and assessments necessary to finance the administration and operations of the One Call Center, pursuant to Hawaii Revised Statutes ("HRS") Chapter 269E.¹ Order No. 21976 also made the

¹HRS Chapter 269E calls for the establishment of a One Call Center to coordinate the location of subsurface installations, and to provide advance notice to operators of subsurface installations of proposed excavation work. In November 2004, the commission established the One Call Center Advisory Committee ("Committee"), pursuant to HRS § 269E-4, to advise the commission regarding the implementation of the One Call Center, including the establishment of fees and assessments to finance the administration and operation of the One Call Center.

DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate") a party to this docket, and invited all interested public utilities, businesses, building or construction groups, trade or contractor associations and community or civic groups to participate in this docket as intervenors, or participants without intervention, so long as these persons or entities satisfy and adhere to the commission's administrative rules, as set forth in Hawaii Administrative Rules ("HAR") Chapter 6-61, *Rules of Practice and Procedure Before the Public Utilities Commission*, governing intervention and participation in commission proceedings.

On August 30, 2005, Hawaiian-American Water filed a timely request with the commission for an extension of time to file a motion to intervene, until September 6, 2005, pursuant to HAR § 6-61-23(a)(1) ("Motion for Enlargement of Time"). By Order No. 22019, filed on September 9, 2005, in this docket, the commission granted Hawaii-American Water's Motion for Enlargement of Time.²

On September 6, 2006, Movant filed a motion to intervene in the instant proceeding or, in the alternative, a motion to participate without intervention ("Motion to Intervene").

²Order No. 22019 also granted intervenor status to twelve (12) other public utilities in the instant proceeding.

II.

Motion to Intervene

HAR § 6-61-55, enumerates the references that a motion to intervene shall make. The rule further provides that "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented."

Hawaii-American Water is a public utility authorized by the commission to provide private wastewater services in the Hawaii Kai area on the island of Oahu. Hawaii-American Water states that it owns, operates or maintains subsurface installations within its service territory. As such, it may be deemed an "operator", as defined by HRS § 269E-2 and subject to the requirements of HRS § 269E-6 which provides for the payment of fees and assessments to finance the establishment and operation of the One Call Center.

Movant contends that as one of the largest private wastewater operators in the State of Hawaii, it has significant property, financial and other interests in the instant proceeding which can best be protected by making it a party to this proceeding.

The commission finds that the assertions of Hawaii-American Water are reasonably pertinent to and do not unreasonably broaden the issues in this docket. Hawaii-American Water appears to have a substantial interest in this proceeding and may be affected by its outcome. The commission, thus,

concludes that Hawaii-American Water's Motion to Intervene should be granted.

Having said that, the commission remains mindful of the Committee's statutory deadline of January 1, 2006, for the establishment of a One Call Center.³ With this impending date in mind, the commission admonishes Movant to work expeditiously with the Committee and its Chairman, Steve Golden ("Committee Chairman") in determining the fees and assessments relevant to this proceeding. Additionally, Movant shall adhere to the requirements of HAR Chapter 6-61, the commission's administrative rules, and shall not unreasonably cause delay or broaden the issues before the Committee.⁴

III.

Orders

THE COMMISSION ORDERS:

1. Movant's Motion to Intervene is granted, subject to the conditions set forth in this Order.

2. Movant shall meet with the Consumer Advocate, the Committee Chairman, other members of the Committee and others made a party to this proceeding pursuant to Order No. 22019, as appropriate, to propose the appropriate fees and assessments for

³See HRS § 269E-5.

⁴At its August 31, 2005 meeting, the Committee set a goal of September 21, 2005, the date of its next scheduled meeting, as the date for setting forth proposed fees and assessments before Committee members. Consequently, Movant must work closely with the Committee Chairman in order to meet the September 21, 2005 goal.

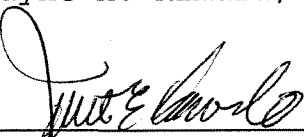
the financing and administration of the One Call Center. Movant shall comply and adhere to all of the requirements of HAR Chapter 6-61, and shall not unreasonably broaden or delay the instant proceeding. Movant shall work diligently to assist the Committee in meeting its September 21, 2005, goal for the proposal of fees and assessments relevant to this proceeding.

DONE at Honolulu, Hawaii September 9, 2005.

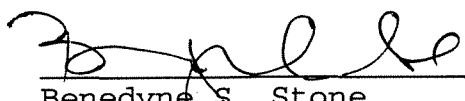
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

05-0195.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22020 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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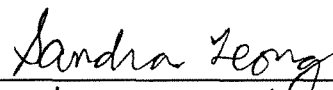
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DATED: September 9, 2005