

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of the -----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate North Shore)
Wastewater Treatment, L.L.C.)
and its Predecessors-in-Interest,)
including Kuilima Resort Company.)
-----)

DOCKET NO. 05-0238

ORDER NO. 22311

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

2006 MAR -8 A 8:48

RECEIVED

Filed March 7, 2006
At 2:15 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

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PUBLIC UTILITIES COMMISSION) Docket No. 05-0238
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Instituting a Proceeding to) Order No. 22311
Investigate North Shore)
Wastewater Treatment, L.L.C.)
and its Predecessors-in-Interest,)
including Kuilima Resort Company.)
_____)

ORDER

By this Order, the commission grants the request of Respondents NORTH SHORE WASTEWATER TREATMENT, L.L.C. and KUILIMA RESORT COMPANY for an extension of time until March 6, 2006 to file a motion for reconsideration and/or clarification of Decision and Order No. 22282, filed on February 10, 2006.

I.

Background

On February 10, 2006, the commission issued Decision and Order No. 22282, which adjudicated the five (5) issues arising out of this investigative proceeding of Respondents' provision of wastewater service in the Kahuku area, island of Oahu.¹ The deadline to timely file a motion for reconsideration or clarification of Decision and Order No. 22282 was February 22,

¹Decision and Order No. 22282, filed on February 10, 2006.

2006, in accordance with Hawaii Administrative Rules ("HAR") §§ 6-61-21(e), 6-61-22, and 6-61-137.²

Prior to the deadline for filing a motion for reconsideration or clarification, on February 17, 2006, Respondents filed a "Motion to Enlarge Time for Filing [a] Motion for Reconsideration and/or Clarification of Decision and Order No. 22282" in which Respondents request an extension of time until March 6, 2006, to file a motion for reconsideration and/or clarification.³ The ASSOCIATION OF APARTMENT OWNERS for the KUILIMA ESTATES EAST and KUILIMA ESTATES WEST ("Petitioners") do not object to Respondents' Motion to Enlarge Time.⁴

II.

Discussion

HAR § 6-61-23(a)(1) provides the commission with discretion, for good cause shown, to enlarge a period by which a required act must be completed, if a written request is made before the expiration of the period originally prescribed.

²See HAR §§ 6-61-21(e) (two (2) days added to the prescribed period for service by mail), 6-61-22 (computation of time), and 6-61-137 (ten (10)-day deadline for a motion seeking any change in a commission decision, including a motion for reconsideration).

³Respondents' "Motion to Enlarge Time for Filing [a] Motion for Reconsideration and/or Clarification of Decision and Order No. 22282[,]" Affidavit of Michael H. Lau, and Certificate of Service, filed on February 17, 2006 (collectively, "Motion to Enlarge Time").

⁴On February 28, 2006, Petitioners' counsel notified commission counsel by telephone call that Petitioners do not object to Respondents' Motion to Enlarge Time.

In support of their timely extension request, Respondents, through their affidavit of counsel, aver in respective part:

. . . .

5. That Movants are unable to prepare and file their Motion for Reconsideration and/or Clarification of Decision and Order No. 22282 together with supporting documents, if any, by Wednesday, February 22, 2006 because, among other things, of Movants' attorneys' immediate involvement and workload in other Commission proceedings and the need for additional time to assess the impacts of Decision and Order No. 22282 on their present and future operations. As such, Movants respectfully request that the prescribed time period be extended from Wednesday, February 22, 2006 to Monday, March 6, 2006 ('Motion to Enlarge Time').

6. That the undersigned has contacted the appropriate representatives and/or counsel for the remaining two parties in this proceeding. The Consumer Advocate indicated that they do not object to Movant's Motion to Enlarge Time.

7. That Movants are not filing this Motion to Enlarge Time to unduly delay the proceedings.

. . . .

Affidavit of Michael H. Lau, at 2, ¶¶ 5 - 7 (emphasis added).

Having reviewed Respondents' above-noted representations, the commission finds good cause to enlarge the deadline for Respondents to file a motion for reconsideration and/or clarification. Accordingly, the commission grants Respondents' Motion to Enlarge Time to file by March 6, 2006, a motion for reconsideration and/or clarification.

III.


Order

THE COMMISSION ORDERS:

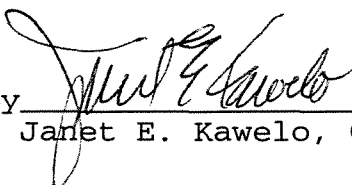
1. Respondents' Motion to Enlarge Time to file by March 6, 2006, a motion for reconsideration and/or clarification, is granted.

DONE at Honolulu, Hawaii MAR - 7 2006.

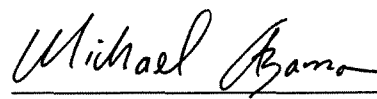
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

05-0238.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22311 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
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Counsel for KUILIMA ESTATES WEST AOA and KUILIMA ESTATES
EAST AOA



Karen Higashi

DATED: MAR - 7 2006