

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of the Application of-----)

SOUTH KOHALA WASTEWATER)
CORP.)

) Docket No. 05-0333
)
)
)
)

For Review and Approval of Rate Increases)
and Revised Rate Schedules.)

STIPULATED PROCEDURAL ORDER NO. 22352

EXHIBIT A

and

CERTIFICATE OF SERVICE

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

2006 MAR 28 A 8:21

RECEIVED

Filed March 24, 2006

At 11 o'clock A.m.

Karen Hignett

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of the Application of-----)	
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SOUTH KOHALA WASTEWATER)	Docket No. 05-0333
CORP.)	
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For Review and Approval of Rate Increases)	
and Revised Rate Schedules.)	
_____)	

STIPULATION FOR PROCEDURAL ORDER

SOUTH KOHALA WASTEWATER CORP. ("Applicant" or "SKW"), a Hawaii corporation, and the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (the "Consumer Advocate"), by and through their respective attorneys, do hereby stipulate to the following provisions of this Stipulated Procedural Order as mutually acceptable to each.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket:

I.

STATEMENT OF THE ISSUES

The issues in this case are:

1. Is SKW's proposed rate increase reasonable?
 - a. Are the proposed tariffs, rates and charges just and reasonable?
 - b. Are the revenue forecasts for Test Year ending December 31, 2006 at present rates and proposed rates reasonable?
 - c. Are the projected operating expenses for Test Year reasonable?

II.

SCHEDULE OF PROCEEDINGS

The parties shall adhere to the schedule of proceedings set forth in the Stipulated Regulatory Schedule attached hereto as Exhibit "A." Notwithstanding the above, the parties shall have the right to amend the Stipulated Regulatory Schedule as may be agreed in writing from time to time. However, the intent of the parties in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III.

REQUESTS FOR INFORMATION

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Procedural Order. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The parties shall then endeavor to agree upon a later date for submission of the requested information. If the parties are unable to agree, the inquiring party may seek approval from the Commission and make a showing of good cause. It is then within the Commission's discretion to allow additional information requests.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g. documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on

computer diskette, the party responding to the information request may make the diskette available to the other party and the Commission. A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part IV, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document. In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information pursuant to the protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document, indicating the name of the respondent for each response.

IV.

MATTERS OF PUBLIC RECORD

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that SKW has filed with the Commission, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the parties; and further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

V.

COPIES OF ALL FILINGS AND INFORMATION REQUESTS

1. All Filings:

Public Utilities Commission 465 South King Street First Floor Honolulu, HI 96813	Original plus 8 copies
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Division of Consumer Advocacy 335 Merchant Street Room 326 Honolulu, HI 96813 Facsimile Number: 586-2780	3 copies
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Clifford K. Higa, Esq. Bruce Nakamura, Esq. 999 Bishop Street, Suite 2600 Honolulu, HI 96813 Attorneys for SKW	1 copy
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John Oka Vice President/Operations South Kohala Wastewater Corp. 5415 Makena Alanui Kihei, HI 96753	1 copy
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2. Information Requests and Responses:

Public Utilities Commission 465 South King Street First Floor Honolulu, HI 96813	Original plus 8 copies
---	------------------------

Division of Consumer Advocacy 335 Merchant Street Room 326 Honolulu, HI 96813 Facsimile Number: 586-2780	3 copies
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Clifford K. Higa, Esq.
Bruce Nakamura, Esq.
999 Bishop Street, Suite 2600
Honolulu, HI 96813
Attorneys for SKW

1 copy

John Oka
Vice President/Operations
South Kohala Wastewater Corp.
5415 Makena Alanui
Kihei, HI 96753

1 copy

All pleadings and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Hawaii Administrative Rules ("HAR") § 6-61-15.

Copies of all filings, information requests and information request responses should be sent to the other parties by hand delivery or U.S. mail. In addition, if available, all parties shall provide copies of their filings, information requests and information request responses to the other parties via diskette or e-mail in a standard electronic format that is readily available by the parties. The parties agree to use Word 97, Word 2000, or Word 2003 as the standard programming format for filings in this case. However, if work papers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such work papers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000/Word 2003 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party via diskette or e-mail, unless otherwise agreed to by such party, the same number of copies of such filing, information request or information request response must still be delivered

to such party by hand delivery or via facsimile as provided in Parts II.C.1 and II.C.2 above.

VI.

COMMUNICATIONS

HAR § 6-61-29 concerning ex parte communications is applicable to any communications between a party and the Commission. However, the parties may communicate with Commission counsel through their own counsel or designated official only as to matters of process and procedure.

Communications between the parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party as provided in Article VII above.

All motions, supporting memoranda, briefs, and the like shall also be served on opposing counsel.

VII.

GENERAL

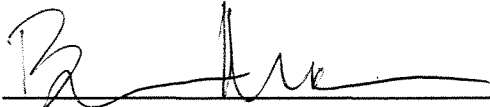
The foregoing procedures shall be applied in a manner consistent with the orderly conduct of this docket.

Pursuant to HAR § 6-61-37, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

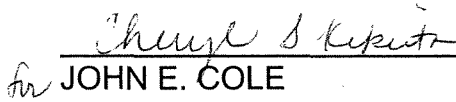
This Stipulated Procedural Order may be executed by the parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and same instrument. The parties may execute this Stipulated Procedural Order by facsimile or electronic mail for initial submission to the Commission

to be followed by the filing of originals of said facsimile or electronic mail.

DATED: Honolulu, Hawai'i March 10, 2006.



CLIFFORD K. HIGA
BRUCE NAKAMURA
Kobayashi, Sugita & Goda



for JOHN E. COLE


Attorneys for South Kohala Wastewater
Corp.

Executive Director for the Division of
Consumer Advocacy, Department of
Commerce and Consumer Affairs

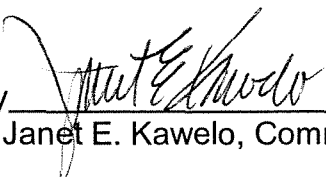
APPROVED AND SO ORDERED THIS MAR 24 2006,

at Honolulu, Hawaii.

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:


Kaiulani Kidani
Commission Counsel

EXHIBIT "A"
STIPULATED REGULATORY SCHEDULE
SOUTH KOHALA WASTEWATER CORP.
Docket No. 05-0333

	DATE	PROCEDURAL STEPS*
1.	Friday, December 30, 2005	Application Filed at Commission
2.	Friday, February 3, 2006	Consumer Advocate Submission of Information Requests (IRs) to SKW**
3.	Wednesday March 8, 2006	Public Hearing
4.	Wednesday, March 15, 2006	SKW's Response to Consumer Advocate IRs**
5.	Thursday, March 30, 2006	Consumer Advocate Submission of Supplemental IRs to SKW
6.	Thursday, April 13, 2006	SKW's Response to Consumer Advocate Supplemental IRs
7.	Tuesday, May 16, 2006	Consumer Advocate Direct Testimony/Statement of Position and Exhibits
8.	Week of May 22, 2006	Parties' Technical Meeting
9.	Friday, May 26, 2006	SKW's Submission of IRs to Consumer Advocate
10.	Friday, June 2, 2006	Consumer Advocate Response to SKW's IRs
11.	Friday, June 9, 2006	SKW's Rebuttal Testimonies/Statement of Position***
12.	By Friday, June 30, 2006	Proposed Decision and Order****

* The above Stipulated Regulatory Schedule assumes that the Commission does not permit a person to intervene in this proceeding. In the event a person is permitted to intervene, an amended Stipulated Regulatory Schedule will be filed with the Commission by all applicable parties either individually or collectively for Commission review and approval to assist the Commission to complete its deliberations and issue a decision and order in accordance with Hawaii Revised Statutes ("HRS") § 269-16(f), as amended.

** On February 3, 2006, the Consumer Advocate issued information requests ("IRs") on SKW, for which some responses have been informally provided by SKW to the Consumer Advocate on February 24, 2006. By no later than March 17, 2006, the Consumer Advocate and SKW will file their respective IRs and responses with the Commission.

*** The parties reserve the right to, collectively or individually, engage in settlement discussions at any time on any and/or all disputed issues that may exist between any of the parties' respective positions in the subject docket. In the event a settlement is reached by all or any of the parties, the respective parties will notify the Commission and any other parties accordingly and make such changes to the remaining procedural steps as may be applicable or prudent under the circumstances.

**** At this point in the Stipulated Regulatory Schedule, SKW and the Consumer Advocate will notify the Commission whether they object or do not accept all or any part of the proposed decision and order in accordance with HRS § 269-16(f), as amended. If any portion of the proposed decision and order is objected to or not accepted by either SKW or the Consumer Advocate, an extended Stipulated Regulatory Schedule (which may or may not include a contested case hearing) will then be filed with the Commission by SKW and the Consumer Advocate either individually or together for Commission review and approval to assist the Commission to complete its deliberations and issue a decision and order in accordance with HRS §269-16(d).

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated
Procedural Order No. 22352 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
335 Merchant Street, Room 326
Honolulu, Hawaii 96813

JOHN OKA
Vice President/Operations
South Kohala Wastewater Corp.
5415 Makena Alanui
Kihei, Hawaii 96753

CLIFFORD K. HIGA, ESQ.
BRUCE NAKAMURA, ESQ.
Kobayashi, Sugita & Goda
999 Bishop Street
Suite 2600
Honolulu, Hawaii 96813

Attorneys for South Kohala Wastewater Corp.

DATED: Honolulu, Hawai'i, MAR 24 2006.

Karen Higashi
Signature

Karen Higashi
Printed Name