

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 WAIKOLOA RESORT UTILITIES, INC.,)
 dba WEST HAWAII UTILITY COMPANY)
)
 For Approval to Increase Rates.)
 _____)

DOCKET NO. 2006-0409

ORDER NO. 23924

DIV. OF CERTIFIED ADVOCACY
DEPT. OF PUBLIC UTILITIES AND
COMMUNICATIONS
STATE OF HAWAII

2007 DEC 21 A 8:58

RECEIVED

Filed December 21, 2007
At 11 o'clock A.M.

ym *Stan A. De...*
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

for

Glenn P. Linares

BEFORE THE PUBLIC UTILITIES COMMISSION
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For Approval to Increase Rates.)

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Docket No. 2006-0409
Order No. 23924

ORDER

By this Order, the commission approves the Parties' voluntary and intentional waiver of the evidentiary hearing, and thus, cancels the evidentiary hearing, scheduled for December 18 - 19, 2007, and the prehearing conference, scheduled for December 17, 2007.¹

I.

Background

The remaining procedural steps that govern this general rate case proceeding include: (1) December 11, 2007, the deadline for the Parties to file their settlement agreement, if any; (2) December 17, 2007, 10:00 a.m., prehearing conference; and (3) December 18 - 19, 2007, evidentiary hearing.²

¹The Parties in this proceeding are WAIKOLOA RESORT UTILITIES, INC., dba WEST HAWAII UTILITY COMPANY, and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, an ex officio party, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

On December 11, 2007, the Parties timely filed their Stipulation in Lieu of Hearing, reflecting their global settlement of all the issues in this general rate case proceeding.³ In the Preamble to the Stipulation, the Parties state, in relevant part:

WHEREAS, this matter was set for evidentiary hearing on December 18-19, 2007 by Order No. 23675 filed on September 24, 2007 in this docket;

WHEREAS, as a result of the settlement discussions, the Parties have reached agreement on all of the issues listed herein that were in dispute in this proceeding;

WHEREAS, due to the Parties' settlement, the Parties voluntarily waive the evidentiary hearing scheduled for December 18-19, 2007, pursuant to HAR § 6-61-35.

Stipulation, at 1 (emphasis added).

II.

Discussion

HRS § 91-9(d) provides:

Contested cases; notice; hearing; records.

. . . .

(d) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

²See Order No. 23675, filed on September 21, 2007; and Commission letter, dated December 7, 2007.

³Stipulation in Lieu of Hearing; Certificate of Service; and Exhibits 1 - 2, filed on December 11, 2007 (collectively, "Stipulation").

HRS § 91-9(d); accord HAR § 6-61-35 (with the commission's approval, any procedure in a contested case may be waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default).

The commission approves the Parties' voluntary and intentional waiver of the evidentiary hearing. Accordingly, the commission cancels the evidentiary hearing, scheduled for December 18 - 19, 2007, and the prehearing conference, scheduled for December 17, 2007.⁴

III.

Orders

THE COMMISSION ORDERS:

1. The Parties' voluntary and intentional waiver of the evidentiary hearing is approved.

2. The evidentiary hearing, scheduled for December 18 - 19, 2007, and the prehearing conference, scheduled for December 17, 2007, are cancelled.


⁴The commission intends to address the merits of the Parties' Stipulation by a separate decision and order.

DONE at Honolulu, Hawaii DEC 21 2007.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

2006-0409.laa

CERTIFICATE OF SERVICE

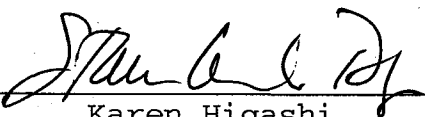
I hereby certify that I have this date served a copy of the foregoing Order No. 23924 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
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DIVISION OF CONSUMER ADVOCACY
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for Karen Higashi

DATED: DEC 21 2007