

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate the Proposed Tariffs)
Filed by Kauai Island Utility)
Cooperative and Other Related)
Matters.)
_____)

DOCKET NO. 2006-0498

ORDER NO. 23988

Filed Jan. 29, 2008
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

2008 JAN 30 A 9:25

RECEIVED

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

Karen Higashi

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OF THE STATE OF HAWAII

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ORDER

By this Order,¹ the commission grants the Parties' request to amend the dates of the procedural steps set forth in Order No. 23941, filed on December 28, 2007, including the re-scheduling of the oral argument hearing, as further explained below.

I.

Background

By Order No. 23941, the commission set the following dates to govern the standby service portion of this proceeding:

¹The Parties in this proceeding are: (1) KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"); (2) HAWAII RENEWABLE ENERGY ALLIANCE; (3) the COUNTY OF KAUAI; (4) CHAPEAU, INC., dba BLUEPOINT ENERGY, STARWOOD HOTELS AND RESORTS WORLDWIDE, INC., and the HAWAII HEALTH SYSTEMS CORPORATION (collectively, the "BluePoint Energy Intervenors" or "BluePoint"); (5) MARRIOTT HOTELS SERVICES, INC., on behalf of KAUAI MARRIOTT RESORT & BEACH CLUB; and (6) the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY, an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a). All of the Parties herein, with the exception of the BluePoint Energy Intervenors, are collectively referred to as the "Stipulating Parties."

1. The Stipulating Parties shall file a joint written brief or separate briefs addressing the issues identified in Section II of this Order, by January 22, 2008.

2. The BluePoint Energy Intervenors shall file a responsive written brief by February 6, 2008.

3. A non-evidentiary, oral argument hearing on the written briefs, is scheduled for February 13, 2008, 10:00 a.m., at the commission's hearing room in Honolulu (465 South King Street, #B-3). The Parties' counsel or authorized, designated representatives shall appear and participate at the oral argument hearing.

Order No. 23941, at 16-17.

By letter dated January 18, 2008, KIUC, on behalf of the Parties, requests the commission's approval "to amend the procedural steps established by Order No. 23941 by enlarging the period of time for each procedural step by approximately thirty (30) days for each step."²

II.

Discussion

HAR § 6-61-23(a)(1) authorizes the commission, for good cause shown, to order a period enlarged if a written request is made before the expiration of the period originally prescribed or as extended by a previous order.

KIUC, in support of the Parties' request to amend the procedural steps, states:

²KIUC's letter, dated January 18, 2008, at 1. Thus, the Parties propose the following new dates for the three procedural steps: (1) February 21, 2008; (2) March 10, 2008; and (3) with respect to the oral argument hearing, "March 25, 2008 or as further determined by the Commission, if necessary." Id. at 3.

Subsequent to the issuance of Order No. 23941, KIUC and BluePoint have engaged in continued discussions regarding their respective differences relating to the Stipulation, and agree that additional discussions may prove productive in possibly resolving or at least limiting their remaining differences. In order to accomplish this, KIUC and BluePoint both agree that additional time is needed to (1) allow for these discussions to determine whether their remaining differences can indeed be resolved, (2) if so, to allow KIUC and BluePoint to then work with the other [p]arties to determine what revisions are acceptable to all Parties and can or should be made to the Stipulation to address any such resolution, and (3) to allow KIUC to obtain Board approval for any changes to the Stipulation, to the extent such changes are made.

Based on the foregoing, all Parties believe that the requested additional time to pursue the above is in the public interest as it will assist in possibly fully resolving and/or simplifying all or a substantial portion of the standby service issues in this proceeding. As a result, the Parties believe it would be more efficient and a better allocation of their respective resources to allow the Parties, particularly KIUC and BluePoint, to continue their collaborative discussions during the proposed extension period to attempt to explore whether it may be possible for the Parties to globally resolve all of their differences or at least simplify the remaining issues in this proceeding. The Parties believe that if a global settlement is ultimately reached, it will also impact how the Parties (jointly and/or individually) address and respond to the various issues identified by the Commission in Section II of Order No. 23941 in their respective written briefs. To keep the Commission apprised of these discussions, the Parties also propose to provide the Commission with a status report no later than Thursday, February 21, 2008. At that time, the Stipulating Parties will either separately or jointly submit their Written Briefs and/or request any additional changes to this filing date and/or the remaining procedural steps as may be applicable or prudent under the circumstances.

KIUC's letter, dated January 18, 2008, at 2 (emphasis added).

Based on the representations set forth in KIUC's letter, dated January 18, 2008, the commission finds good cause to grant the Parties' request to amend the dates of the procedural steps set forth in Order No. 23941, including the re-scheduling of the oral argument hearing. Accordingly, the new dates of the procedural steps, in addition to the deadline date for the Parties to submit a report discussing the status of their collaborative discussions, are as follows:

1. The Stipulating Parties shall file a joint written brief or separate briefs addressing the issues identified in Section II of Order No. 23941, by February 21, 2008.
2. Status report filed by or on behalf of the Parties, by February 21, 2008.
3. The BluePoint Energy Intervenors shall file a responsive written brief by March 10, 2008.
4. A non-evidentiary, oral argument hearing on the written briefs, is scheduled for **April 1, 2008, 9:30 a.m.**, at the commission's hearing room in Honolulu (465 South King Street, #B-3). The Parties' counsel or authorized, designated representatives shall appear and participate at the oral argument hearing.

III.

Orders

THE COMMISSION ORDERS:

1. The Parties' request, dated January 22, 2008, to amend the dates of the procedural steps set forth in Order No. 23941, filed on December 28, 2007, including the re-scheduling of the oral argument hearing, is granted.

2. The new dates of the procedural steps, in addition to the deadline date for the Parties to submit a report discussing the status of their collaborative discussions, are as follows:

- A. The Stipulating Parties shall file a joint written brief or separate briefs addressing the issues identified in Section II of Order No. 23941, by February 21, 2008.
- B. Status report filed by or on behalf of the Parties, by February 21, 2008.
- C. The BluePoint Energy Intervenors shall file a responsive written brief by March 10, 2008.
- D. A non-evidentiary, oral argument hearing on the written briefs, is scheduled for **April 1, 2008, 9:30 a.m.**, at the commission's hearing room in Honolulu (465 South King Street, #B-3). The Parties' counsel or authorized, designated representatives shall appear and participate at the oral argument hearing.

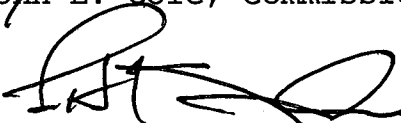
3. In all other respects, Order No. 23941 remains unchanged.

DONE at Honolulu, Hawaii JAN 29 2008.


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

2006-0498.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23988 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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Certificate of Service
Page 2

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Certificate of Service

Page 3

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Karen Higashi

DATED: JAN 29 2008