

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
WAILUKU WATER DISTRIBUTION COMPANY,))
LLC, and WAILUKU WATER COMPANY, LLC))
)
For a Certificate of Public)
Convenience and Necessity to)
Provide Non-Potable Water Service)
In the Waihee, Waiehu, Puuohala,)
Wailuku, and Waikapu Areas and for)
Approval of Rules and Regulations)
Pursuant to Section 269-7.5, Hawaii)
Revised Statutes; Approval of Rates)
And Contracts Pursuant to Section)
269-16, Hawaii Revised Statutes;)
Approval of Waivers Pursuant to)
Section 6-61-92, Hawaii)
Administrative Rules; and Approval)
Of Affiliate Transactions Pursuant)
To Sections 269-19 and 269-19.5,)
Hawaii Revised Statutes.)
_____)

DOCKET NO. 2008-0025

ORDER NO. 24079

Filed March 6, 2008
At 11 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED

2008 MAR -7 A 3:28

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

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

Karen Higashi

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)

Docket No. 2008-0025
Order No. 24079

ORDER

By this Order, the commission determines that Hawaii Administrative Rules ("HAR") § 6-61-57(1), and not HAR § 6-61-57(2), shall govern the deadline for intervention in this docket.

I.

Intervention Deadline

On February 8, 2008, WAILUKU WATER DISTRIBUTION COMPANY, LLC and WAILUKU WATER COMPANY, LLC (jointly, "Applicants") filed an application, requesting, among other things, approval for a Certificate of Public Convenience and

Necessity ("CPCN") to provide non-potable water service within a designated service area on the island of Maui; and for approval of rates and contracts pursuant to Hawaii Revised Statutes ("HRS") § 269-16 ("Application").¹ Consistent with In re North Shore Wastewater Treatment, L.L.C., Docket No. 05-0238, and In re Manele Water Resources, LLC, Docket No. 2006-0166, the commission will treat the Application as an application for a CPCN under HRS § 269-7.5, and as an application for a general rate increase under HRS § 269-16(f).

HAR § 6-61-57 sets the deadlines for filing intervention motions with the commission. HAR § 6-61-57(1) provides that the deadline for intervention in rate cases is ten days after the last public hearing on a rate case application:

A motion to intervene or participate in a public utility rate increase case shall be filed not later than ten days after the last public hearing held pursuant to the published notice of the hearing. The date for filing a timely motion to intervene shall be indicated in the published notice of public hearing. The movant shall serve its motion on the applicant and consumer advocate before filing it with the commission and shall file with the commission a proof of that service[.]

HAR § 6-61-57(2) provides that, for applications requesting the issuance of a CPCN, the deadline to intervene is twenty days after notice of the application has been published in the newspaper:

In all applications requesting issuance or transfer of a [CPCN] or contract carrier's

¹The present parties to this docket are Applicants and the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, ("Consumer Advocate"), an ex officio party, pursuant to HRS § 269-51 and HAR § 6-61-62.

permit, the motion to intervene or participate shall be filed not later than twenty days after a notice of the pending application has been published in a newspaper of general circulation within the State or within the county or counties affected by the application. The movant shall serve a copy of its motion on the applicant and two copies on the consumer advocate and shall file with the commission a proof of that service[.]

Because this docket implicates both deadlines under HAR §§ 6-61-57(1) and 6-61-57(2), to prevent confusion and provide clarity to its rules, the commission hereby determines that the deadline for intervention for rate cases, set forth in HAR § 6-61-57(1), shall apply to this docket. Thus, although the commission has not yet formally scheduled the public hearing for this docket, the intervention deadline for this docket will be ten days after the last public hearing held on the Application.

II.


Order

THE COMMISSION ORDERS:

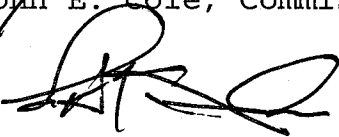
HAR § 6-61-57(1), and not HAR § 6-61-57(2), shall govern the deadline for intervention in this docket. Thus, although the commission has not yet formally scheduled the public hearing for this docket, the intervention deadline for this docket will be ten days after the last public hearing held on the Application.

DONE at Honolulu, Hawaii MAR - 6 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:


Kaiulani Kidani Shinsato
Commission Counsel

2008-0025.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24079 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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COMPANY, LLC and WAILUKU WATER COMPANY, LLC

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Wailuku, HI 96893



Karen Higashi

DATED: MAR - 6 2008