

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
PU'UIWAIWA, LLC, nka)
PU'UIWAIWA RANCH LIMITED)
PARTNERSHIP)
For a Declaratory Ruling.)

DOCKET NO. 2007-0303

ORDER NO. 24091

Filed March 14, 2008
At 9 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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2008 MAR 17 A 10:44

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

BEFORE THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF HAWAII

In the Matter of the Petition of))	
PU'UIWAIWA, LLC, nka)	Docket No. 2007-0303
PU'UIWAIWA RANCH LIMITED)	
PARTNERSHIP)	Order No. 24091
)	
For a Declaratory Ruling.)	
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ORDER

By this Order, the commission issues this prehearing order as a result of the prehearing conference held on March 12, 2008, in preparation for the evidentiary hearing scheduled for March 17, 2008.¹

I.

Background

On November 13, 2007, the commission issued Prehearing Order No. 23827, and on January 25, 2008, by Order No. 23982, the commission amended Prehearing Order No. 23827 "by establishing certain dates to govern the remainder of this proceeding for a

¹The Parties are PU'UIWAIWA, LLC, nka PU'UIWAIWA RANCH LIMITED PARTNERSHIP ("Petitioner"), WAIKOLOA WATER COMPANY, INC., dba WEST HAWAII WATER COMPANY ("WHWC"), and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62(a).

declaratory ruling, including the date of the evidentiary hearing[.]”²

On March 12, 2008, a prehearing conference was held as scheduled.³

II.

Discussion

The terms and provisions of Prehearing Order No. 23827, filed on November 13, 2007, and Order No. 23982, filed on January 25, 2008, as amended, are incorporated by reference herein, to the extent applicable. The issues governing this proceeding are set forth in the Notice of Evidentiary Hearing, dated February 15, 2008.⁴

Consistent with the agreements reached and actions taken at the prehearing conference, and unless modified otherwise by the commission, the following terms shall control the evidentiary hearing and remaining course of this proceeding:

1. The Parties submitted the written testimonies of one witness each. All of these witnesses will appear and testify at the evidentiary hearing. All of the witnesses called to

²Order No. 23982, filed on January 25, 2008, at 1-2; see also Commission's letter, dated February 20, 2008 (approving the Parties' request to amend Order No. 23982).

³Commissioner John E. Cole presided over the prehearing conference, which was also attended by Commissioner Leslie H. Kondo. Chairman Carlito P. Caliboso was absent and excused. The Parties were represented by the following counsel: (1) for Petitioner, Michael H. Lau, Esq., and Sandra-Ann Y.H. Wong, Esq.; (2) for the Consumer Advocate, Lane H. Tsuchiyama; and (3) for WHWC, Bruce D. Voss, Esq., and Lori N. Tanigawa, Esq.

⁴See also Prehearing Order No. 23827, Section II.A, at 7.

testify shall be limited to orally summarizing his or her written testimony, and will be available for cross-examination.

2. WHWC's witness, Mr. Bruce Moore, will adopt WHWC's responses to Petitioner's information requests, filed on December 17, 2007, in place of Mr. Richard Terminello.

3. The order of witness presentation will be: Petitioner, the Consumer Advocate, and WHWC.

4. The Parties' hearing exhibits shall be pre-marked as Petitioner's Hearing Exhibit ____, CA's Hearing Exhibit ____, and WHUC's Hearing Exhibit ____, as applicable.

5. The Parties waive opening statements.

6. The Parties agreed that upon the conclusion of the testimony of the last witness, the Parties will decide whether closing arguments will be waived. Upon reflection, the commission hereby states its intent to proceed with closing arguments.

7. Petitioner informally responded to supplemental information requests issued by WHWC, which are not part of the docket record. Petitioner shall file its responses to WHWC's supplemental information requests with the commission.

III.


Order

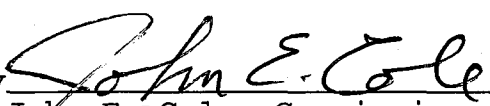
THE COMMISSION ORDERS:

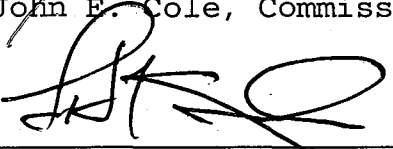
The terms set forth in this Order shall govern the evidentiary hearing and the remainder of this proceeding, unless modified or ordered otherwise by the commission.

DONE at Honolulu, Hawaii MAR 14 2008.

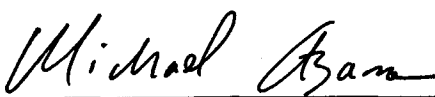
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

2007-0303.s1

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24091 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

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Karen Higashi

DATED: MAR 14 2008