

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 WAIKOLOA SANITARY SEWER)
 COMPANY, INC., dba)
 WEST HAWAII SEWER COMPANY)
)
 For Expedited Review and Approval)
 to Increase Rates.)
 _____)

Docket No. 05-0329

Order No. 24123

ORDER

By this Order, the commission issues this prehearing order as a result of the prehearing conference held on April 2, 2008, in preparation for the evidentiary hearing scheduled for April 17, 2008.¹

I.

Background

By Order No. 24036, filed on February 13, 2008, the commission adopted, with certain modifications, the Stipulated Prehearing Order proposed by the Parties to govern the evidentiary hearing phase of this proceeding. On April 2, 2008, a prehearing conference was held as scheduled.²

¹The Parties are WAIKOLOA SANITARY SEWER COMPANY, INC., dba WEST HAWAII SEWER COMPANY ("WHSC"), 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 ("HAR") § 6-61-62(a).

²Chairman Carlito P. Caliboso presided over the prehearing conference, which was also attended by

II.

Discussion

The terms and provisions of Order No. 24036, filed on February 13, 2008, are incorporated by reference herein, to the extent applicable. The issues governing this proceeding, as agreed-upon by the Parties, are set forth in the Notice of Evidentiary Hearing, dated February 22, 2008.³

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 the remaining course of this proceeding:

1. The Parties submitted the written testimonies of one witness each. Both of these witnesses will appear and testify at the evidentiary hearing. Both of the witnesses shall be limited to orally summarizing his or her written testimony, and will be available for cross-examination.

2. The order of witness presentation will be WHSC, followed by the Consumer Advocate.

3. The Parties waive opening statements, and the commission intends to proceed with closing arguments.

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

Commissioner Leslie H. Kondo. The Parties were represented by the following counsel: (1) for WHSC, Bruce D. Voss, Esq., and Lori N. Tanigawa, Esq.; and (2) for the Consumer Advocate, Jon S. Itomura, Esq.

³See also Exhibit 1, at 3, of Order No. 24036.

5. Paragraph 18 of Stipulated Protective Order No. 22217, filed on January 12, 2006, provides that at any commission hearing where information designated as confidential is discussed, such hearing "shall be held in camera, or under other conditions imposed by the Commission to prevent unnecessary public disclosure of such information." The commission's preference is not to close any portion of the evidentiary hearing. Instead, the Parties shall use their best efforts to present their cases without disclosing or referring to information designated as confidential.

6. Consistent with Paragraph 5, above, WHSC will review the existing information in the docket record that it has designated as confidential, consisting of customer contributions (also known as contributions-in-aid-of-construction), and utilize its best efforts to remove any designation of confidentiality that is not protected under the terms of Stipulated Protective Order No. 22217.

7. By Monday, April 14, 2008, WHSC shall file its Hearing Exhibits with the commission, with copies served upon the Consumer Advocate.

8. The Parties stipulated to filing simultaneous post-hearing opening briefs "3 weeks after transcripts." The commission clarifies this statement to mean within twenty-one calendar days from the commission's receipt of the official transcripts.

9. The Parties also stipulated to filing simultaneous post-hearing reply briefs "3 weeks after Opening Briefs." The

commission clarifies this statement to mean within twenty-one calendar days from the date of service of the Opening Brief, and that the commission's procedural rules governing the calculation of due dates will apply (HAR chapter 6-61, subchapter 2).

III.

Orders

THE COMMISSION ORDERS:

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


DONE at Honolulu, Hawaii APR - 4 2008.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By EXCUSED
John E. Cole, Commissioner

APPROVED AS TO FORM:

By 
Leslie H. Kondo, Commissioner


Michael Azama
Commission Counsel

05-0329.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24123 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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Karen Higashi

DATED: APR - 4 2008