

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

COUNTY OF MAUI,)
)
 Complainant,)
)
 vs.)
)
 WAI`OLA O MOLOKA`I, INC., MOLOKAI)
 PUBLIC UTILITIES, INC., AND)
 MOSCO, INC.,)
)
 Respondents.)
)
 _____)

DOCKET NO. 2008-0116

ORDER APPROVING STATEMENT OF ISSUES

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

PUBLIC UTILITIES
COMMISSION

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FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

COUNTY OF MAUI,) Docket No. 2008-0116
)
Complainant,)
)
vs.)
)
WAI`OLA O MOLOKA`I, INC., MOLOKAI)
PUBLIC UTILITIES, INC., AND)
MOSCO, INC.,)
)
Respondents.)
_____)

ORDER APPROVING STATEMENT OF ISSUES

By this Order, the commission approves a Statement of Issues to be addressed in this proceeding. In doing so, the commission amends the Procedural Order, issued by the commission on January 5, 2009.¹

I.

Statement of Issues

By Order issued on September 18, 2008, the commission directed the Parties to file a stipulated (or proposed)

¹The parties to this docket are: Complainant COUNTY OF MAUI ("County"); Respondents WAI`OLA O MOLOKA`I, INC., MOLOKAI PUBLIC UTILITIES, INC., and MOSCO, INC. (collectively, "Utilities"); and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to any proceeding before the commission. See Hawaii Revised Statutes § 269-51; Hawaii Administrative Rules § 6-61-62. The County, the Utilities, and the Consumer Advocate are collectively referred to herein as the "Parties."

procedural schedule for the commission's review and approval, within thirty days of the Order.

On October 20, 2008, the County filed a Proposed Procedural Schedule, in which the County represented that it conferred with counsel for the Utilities, and that the dates in the Proposed Procedural Schedule were agreed upon by the Parties.

On January 5, 2009, the commission issued its own Procedural Order to control the course of this docket. In the Procedural Order, the commission noted that the Parties' Proposed Procedural Schedule did not include a Statement of Issues. The commission allowed the Parties to file a stipulated (or proposed) Statement of Issues within twenty days of the date of the Procedural Order. The County and the Utilities thereafter filed separate proposed Statements of Issues.

After reviewing both Statements of Issues, the commission finds it appropriate to initially consider the following threshold issue for determination in this proceeding: Whether this proceeding is moot. Should the commission determine that the proceeding has not been rendered moot, the commission may consider additional issues for determination in this proceeding and will issue an amended Procedural Order at that time.

Section II.A. of the Procedural Order issued by the commission on January 5, 2009 shall be modified to include the foregoing issue as the Statement of Issues for this proceeding, subject to further amendment by the commission. The Parties

shall address this issue in their forthcoming Statements of Position and Reply Statements of Position.

II.

Orders

THE COMMISSION ORDERS:

1. The following threshold issue is approved for initial consideration in this proceeding: Whether this proceeding is moot.

2. The Procedural Order issued on January 5, 2009 is modified to include the above issue as the Statement of Issues in this proceeding, subject to further amendment by the commission. The Parties shall address this issue in their forthcoming Statements of Position and Reply Statements of Position.


DONE at Honolulu, Hawaii FEB - 4 2009.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

APPROVED AS TO FORM:

By: 
Leslie H. Kondo, Commissioner


Kaiulani Kidani Shinsato
Commission Counsel

2008-0116.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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