

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. 24064

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

2008 MAR -4 A 9:33

RECEIVED

Filed March 3, 2008  
At 10 o'clock A. .M.

Karen Higashi.  
Chief Clerk of the Commission

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

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PUBLIC UTILITIES COMMISSION ) Docket No. 2006-0498  
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Matters. )  
\_\_\_\_\_ )

ORDER

By this Order,<sup>1</sup> the commission grants the Parties' request to amend the dates of the procedural steps set forth in Order No. 23988, filed on January 29, 2008, including the re-scheduling of the oral argument hearing, as further explained below.

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<sup>1</sup>The 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."

I.

Background

The following dates presently govern the standby service portion of this proceeding:

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.

Order No. 23988, Ordering Paragraph No. 2, at 5.

By letter dated February 21, 2008, KIUC, on behalf of the Parties, requests the commission's approval to amend the procedural steps set forth in Order No. 23988.

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 states that it has reached a tentative settlement with the BluePoint Energy Intervenors on their remaining differences. Nevertheless:

. . . . KIUC and BluePoint need additional time to: (1) document and memorialize the specific terms and conditions of their tentative settlement agreement; (2) obtain their respective board approvals of these specific terms and conditions, and (3) then meet and discuss these specific terms and conditions with the other [p]arties with the intent of modifying the Stipulation previously submitted by the Stipulating Parties and submitting a new revised settlement document (i.e., Amended Stipulation) for Commission review and approval reflecting the global resolution by all Parties of the issues in this proceeding.

KIUC's letter, dated February 21, 2008, at 1 (footnote and text therein omitted).

For these reasons, the Parties seek to amend the dates of the procedural steps, as follows: (1) the deadline for the status report filed by or on behalf of the Parties, from February 21, 2008 to March 31, 2008; (2) the deadline for the Parties, with or without the BluePoint Energy Intervenors, to file a joint written brief or separate briefs addressing the issues identified in Section II of Order No. 23941, from February 21, 2008 to April 7, 2008;<sup>2</sup> (3) the deadline for the BluePoint Energy Intervenors to file their responsive brief, from March 10, 2008 to April 17, 2008, if no settlement is reached; and (4) the re-scheduling of the non-evidentiary, oral argument hearing on the written briefs, from April 1, 2008, 9:30 a.m., to May 8, 2008, or as further determined by the commission,

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<sup>2</sup>The Parties also propose to change the source of this filing from the Stipulating Parties, to the Parties, with or without the BluePoint Energy Intervenors.

to the extent necessary. The Parties, by their own volition, also propose March 31, 2008 as the deadline date to file their Amended Stipulation.

Here, KIUC and the BluePoint Energy Intervenors have reached a tentative settlement on the standby service issue, and need additional time to discuss the settlement terms with the other parties for the purpose of reaching a consensus with all of the Parties. Thus, the Parties' intent, at this time, is to file their Amended Stipulation by March 31, 2008, followed by the joint filing of their written brief by April 7, 2008.<sup>3</sup> This course of action will appear to render moot the need for: (1) the BluePoint Energy Intervenors to file their responsive brief; and (2) the non-evidentiary, oral argument hearing on the written briefs.

Based on the representations set forth in KIUC's letter, dated February 21, 2008, the commission finds good cause to grant the Parties' request to amend the dates of the procedural steps set forth in Order No. 23988, including the re-scheduling of the oral argument hearing. The commission, likewise, will set March 31, 2008 as the deadline for the Parties to file their Amended Stipulation, if any. Finally, due to the commission's unavailability on May 8, 2008, the commission will schedule the new date and time of the non-evidentiary, oral argument hearing for May 13, 2008, 2:00 p.m.

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<sup>3</sup>See KIUC's letter, dated February 21, 2008, at 2 n.4.

Thus, the new dates of the procedural steps are as follows:

1. Status report filed by or on behalf of the Parties, by March 31, 2008.
2. Amended Stipulation, by March 31, 2008.
3. The joint written brief, with or without the BluePoint Energy Intervenors, or separate briefs, addressing the issues identified in Section II of Order No. 23941, by April 7, 2008.
4. BluePoint Energy Intervenors' responsive brief, by April 17, 2008.
5. The non-evidentiary, oral argument hearing on the written briefs, is scheduled for **May 13, 2008, 2:00 p.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 February 21, 2008, to amend the dates of the procedural steps set forth in Order No. 23988, filed on January 29, 2008, 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 file their Amended Stipulation, are as follows:

- A. Status report filed by or on behalf of the Parties, by March 31, 2008.
- B. Amended Stipulation, by March 31, 2008.

- C. The joint written brief, with or without the BluePoint Energy Intervenors, or separate briefs, addressing the issues identified in Section II of Order No. 23941, by April 7, 2008.
  - D. BluePoint Energy Intervenors' responsive brief, by April 17, 2008.
  - E. The non-evidentiary, oral argument hearing on the written briefs, is scheduled for **May 13, 2008, 2:00 p.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. 23988 remains unchanged.

DONE at Honolulu, Hawaii MAR - 3 2008.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By John E. Cole  
John E. Cole, Commissioner

APPROVED AS TO FORM:

Michael Azama  
Michael Azama  
Commission Counsel

Leslie H. Kondo  
Leslie H. Kondo, Commissioner

2008-0498.laa

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24064 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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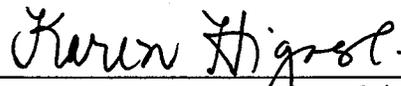
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DATED: MAR - 3 2008