COUNTY OF KAUAI

BOARD OF WATER SUPPLY

PUBLIC HEARING

Thursday, December 8, 2011

6:04 - 6:12 p.m.

Second Floor, Microbiology Lab Building
Kauai County Department of Water
4398 Pua Loke Street
Lihue, Kauai, Hawaii 96766

REPORTED BY:

TERRI R. HANSON, CSR 482
Registered Professional Reporter
APPEARANCES

BOARD MEMBERS:
Larry Dill
Daryl Kaneshiro

STAFF:
David Craddick
William Eddy
Deputy County Attorney Andrea Suzuki
Marites Yano
Carol Beardmore
PUBLIC HEARING

MR. KANESHIRO: A public hearing will be held today, Thursday, December 8, 2011, regarding the corrections to the proposed amendments to the Rules and Regulations of Part IV, affecting Sections I, III, V, and VI, which will be more specifically stated when the public hearing notice is read shortly.

Copies of the proposed rule amendments are available. Our legal counsel will now explain the procedures that will apply to this hearing.

And let me note that it is 6:05 at this time.

MS. SUZUKI: The board will follow the following procedure as laid out in Part I, Section VI, Subsection III of the Department of Water, County of Kauai, Rules and Regulations in holding this public hearing.

The department will present its findings of the proposed rules. The questions by the board to the department will then happen afterwards. And then the board will take public testimony.

Please sign in. Mr. Eddy has the signature to testify.

Keep your testimony to three minutes. State your name, address and organization you're representing and if you're a registered lobbyist. Please limit your
comments to the subject matter of today's meeting. Anyone testifying shall refrain from direct questioning of the board and shall direct any remarks or questions to Mr. Kaneshiro. Anyone speaking may be subsequently subject to questioning by the board. Keep it to three minutes.

The board shall not be bound by technical rules of evidence.

Any questions? No. Thank you.

MR. KANESHIRO: With that the public hearing is now open. Again, the purpose of this hearing is for the Board of Water Supply to hear testimony and take action relating to the corrections to the proposed amendments to the Rules and Regulations of Part IV, Section I, V, and new Section XI.

Will the secretary please conduct a roll call of commissioners and read the hearing notice.


MR. KANESHIRO: Here.

MS. BEARDMORE: Mike Dahilig. Larry Dill.

MR. DILL: Here.


Notice of public hearing. The Board of Water
Supply of the County of Kauai will hold a public hearing at its board room located on the second floor of the Department of Water's Microbiology Lab Building at 4398 Pua Loke Street, Lihue, on Thursday, December the 8th, 2011, at 6:00 p.m. for purposes of hearing and receiving public testimony and comments from all interested persons regarding the following items:

Proposed amendments to the Rules and Regulations of the Board of Water Supply, County of Kauai, State of Hawaii, Part IV, fixing rates for the furnishing of water service in the County of Kauai;

Section I, General Use Rates, section revisions related to service charges and use charges;

Section III, Agricultural Rates, section revisions related to service charges and consumption charges;

Section V, Private Fire Service Charges, section revisions related to service charges;

Section VI, Public Fire Service Charges, section revisions related to service charges;

Section X, Cost of Power Adjustment Clause, section revisions related to Schedule A, anticipated unit power costs.

A copy of the proposed rule amendment will be mailed to any interested person who requests a copy and
pays the required fees for the copy and postage. Requests may be made by calling the Water Manager's Office at 808-245-5408, or by submitting a facsimile request to 808-246-8628. Requests may also be made up to and including the date of the public hearing.

The proposed rule amendments may be reviewed in person between the hours of 8:00 and 4:15, Monday and Friday, excluding State of Hawaii holidays, at the Water Manager's Office, 4398 Pua Loke Street, Lihue, Kauai. Proposed rule amendments may be reviewed at any time up to and including the date of the public hearing.

All interested persons may submit data, views, arguments, or other testimony orally or in writing, or both, concerning the proposed rule amendments. Data views, arguments, or other testimony may be submitted at any time up to and including the date of the public hearing or at the public hearing itself. Data, views, arguments, or testimony may be submitted by email to cbeardmore@kauaiwater.org, by fax to 808-246-8628, or by US mail to the Water Manager's Office at 4398 Pua Loke Street, Lihue, Kauai.

The board may impose a time limit for each person presenting testimony at the hearing. Should you have any questions, please do not hesitate to call the Water Manager's Office at 808-245-5408. The Water
Manager's fax number is 808-246-8628.

By order of the board: Roy Oyama, 2011 Chairperson.

This was published in the Honolulu Star Advertiser on November the 18th, 2012.

MR. KANESHIRO: Thank you for that.

Chair now will give Mr. Craddick the opportunity to make a short presentation on its findings.

MR. CRADDICK: I have a five-page long presentation. But being no one has signed in to give testimony, I'll just submit this for the record and make some indication of some things.

We went out to public hearing in one newspaper, and we had on the Section II of the use charge, there were zeroes and a 'from' and 'to' on the minimum block rate.

And had we left that there, I think it would have been extremely confusing to the public and it would have undone our previous rule. That's where we shifted our blocks. We didn't intend to do that.

So we took the zero on the minimum block rate, took it off, took off the word 'from' and 'to' and put in 'minimum.'

This is the schedule that I went to small
business with, and they have that.

The other issue about small business, since we don't have a letter from them for the record, I'd like to say that they did approve yesterday, went to public hearing. They also approved allowing the board to take whatever action they felt was necessary without further hearing, but they want the minutes of this public hearing and they want a copy of the actual rate rule in addition to the information that comes from the board when they finally make the decision on what they're going to do.

But they didn't say that we had come back and give a presentation to them before the board took action on it.

MR. KANESHIRO: We can also submit this as Part IV?

MR. CRADDICK: Yes, yes, this is now part of the record. It's five pages.

MR. KANESHIRO: All right. With that, I will begin the public testimony. Are there any written materials that were submitted?

MS. BEARDMORE: No, there aren't, Mr. Chair. Nobody has signed up to testify.

MR. KANESHIRO: There aren't any and no one has signed up to speak. Okay. There is no one here and
no further testimony. I will close the public hearing.

The results of this public hearing need to be sent to the Small Business Regulatory Review Board for their review.

The board then intends to make its decision regarding the adoption of this rule amendment at its December 15, 2011, board meeting, depending on the SBRRB's response and its timeliness.

This public hearing is now closed. Thank you.

(Concluded at approximately 6:12 p.m. December 8, 2011.)

* * * * *
STATE OF HAWAII  )
   ) ss.
COUNTY OF KAUAI  )

I, TERRI R. HANSON, RPR, CSR 482, do hereby certify:

That on Thursday, December 8, 2011, at 6:04 p.m. that the foregoing PUBLIC HEARING, County of Kauai, Board of Water Supply, was held;

That the foregoing proceedings were taken down by me in machine shorthand and were thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 10th day of December, 2011, in Kapaa, Hawaii.

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TERRI R. HANSON, CSR 482
Registered Professional Reporter