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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

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BOARD MEMBERS:

Larry Dill

Daryl Kaneshiro

STAFF:

David Craddick

William Eddy

Deputy County Attorney Andrea Suzuki

Marites Yano

Carol Beardmore

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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

1 comments to the subject matter of today's meeting.
2 Anyone testifying shall refrain from direct questioning
3 of the board and shall direct any remarks or questions
4 to Mr. Kaneshiro. Anyone speaking may be subsequently
5 subject to questioning by the board. Keep it to three
6 minutes.

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

9 Any questions? No. Thank you.

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

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

18 MS. BEARDMORE: Roy Oyama. Daryl
19 Kaneshiro.

20 MR. KANESHIRO: Here.

21 MS. BEARDMORE: Mike Dahilig. Larry Dill.

22 MR. DILL: Here.

23 MS. BEARDMORE: Raymond McCormick. Randall
24 Nishimura. Clyde Nakaya.

25 Notice of public hearing. The Board of Water

1 Supply of the County of Kauai will hold a public
2 hearing at its board room located on the second floor of
3 the Department of Water's Microbiology Lab Building at
4 4398 Pua Loke Street, Lihue, on Thursday, December
5 the 8th, 2011, at 6:00 p.m. for purposes of hearing and
6 receiving public testimony and comments from all
7 interested persons regarding the following items:

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

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

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

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

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

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

24 A copy of the proposed rule amendment will be
25 mailed to any interested person who requests a copy and

1 pays the required fees for the copy and postage.
2 Requests may be made by calling the Water Manager's
3 Office at 808-245-5408, or by submitting a facsimile
4 request to 808-246-8628. Requests may also be made up
5 to and including the date of the public hearing.

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

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

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

1 Manager's fax number is 808-246-8628.

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

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

6 MR. KANESHIRO: Thank you for that.

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

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

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

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

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

25 This is the schedule that I went to small

1 business with, and they have that.

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

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

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

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

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

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

24 MR. KANESHIRO: There aren't any and no one
25 has signed up to speak. Okay. There is no one here and

1 no further testimony. I will close the public hearing.

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

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

9 This public hearing is now closed. Thank you.

10 (Concluded at approximately 6:12 p.m.

11 December 8, 2011.)

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1 STATE OF HAWAII)
) ss.
 2 COUNTY OF KAUAI)

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

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

7 That the foregoing proceedings were taken down by
 8 me in machine shorthand and were thereafter reduced to
 9 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.

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

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

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 15 _____
 16 TERRI R. HANSON, CSR 482
 Registered Professional Reporter

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