

CHRONOLOGY OF ACTIONS OCCURING AFTER MOLOKAI PUBLIC UTILITIES, INC. AND MOSCO, INC. ANNOUNCE INTENTIONS TO ABANDON SERVICES

<i>DATE (2008)</i>	<i>ACTION</i>
March 24	Peter Nicholas tells Board of West Molokai Assn. (WMA) that Molokai Public Utilities, Inc. (MPU) and Mosco, Inc. (MOSCO) will be abandoned within 6 months
March 29	Board informs WMA members of utility problems at Annual Homeowner's Meeting
April 1	WMA representatives go to a PUC meeting in Honolulu attended by Peter Nicholas, DHHL, the Division of Consumer Advocacy and others -- Maui County is notified of this meeting but does not attend
April 12	WMA representatives meet with Councilmember Danny Mateo --- ask for Maui County's help and are advised the MPU water system and MOSCO sewer system would be inspected by Maui County Department of Water Supply
April 14	WMA representatives meet with Mayor Tavares in Maui--- ask for Maui County's help and are advised the MPU water system and MOSCO sewer system would be inspected by Maui County Department of Water Supply
April 16	WMA representatives meet with PUC and the Director of the Division of Consumer Advocacy in Honolulu and ask for action re urgent health and safety issues
April 20	WMA representatives meet with Governor's representative, Abbey Mayer, on Molokai
May 2	WMA representative emails Councilmember Danny Mateo emphasizing urgent health and safety issues involved and asking when Maui County would be inspecting the MPU water system and MOSCO system
May 2	WMA representative emails Mayor Tavares emphasizing urgent health and safety issues and asking when the County would be inspecting the MPU and MOSCO water and sewer systems
May 5	MAT meeting during which Abbey Mayer states that Molokai Properties Limited (MPL) intends to abandon Wai'ola O' Molokai as well as MPU and MOSCO
May 27	Mayor Tavares writes to MPL stating "we continue to hear rumors that Molokai Ranch is now considering discontinuing operations of its private water and wastewater systems" and that she hoped "this news is not true"
May 27	MPU sends letter to Laura Thielen, Chair of the Commission on Water Resource Management, stating it did not intend to pursue the contested case re water permit which is pending before the State Water Commission (CCH-MO-97-1)

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May 30	Letter from MPU, MOSCO and Wai'ola to PUC stating they were unsuccessful in efforts to transfer the Utilities and therefore operations would not continue after August, 2008
June 3	WMA representatives meet with Governor Lingle who had received letters from Mayor Tavares, Senator English, and Representative Carroll stating it was the State's responsibility to protect Molokai, and MPL had an obligation to provide services or "find a private operator to continue operations on their behalf"
June 4	Letter sent by Councilmember Mateo to Governor stating it was the State's responsibility to protect the health and welfare of Molokai and hold MPL accountable until they are able "to find another operator"
June 4	In a KHNL interview, Mayor Tavares stated, "I think the Governor has powers and resources that she's able to at least get something going in the interim so that these folks don't lose their services, but I don't see an option, you know, if they decide to shut everything off, the option is these people will just have to move."
June 5	PUC sends letter to Peter Nicholas stating the Utilities have a duty to provide services until the PUC approves a transfer and demanding financial and other information from the Utilities
June 8	In a press release, the Governor agreed to assist county government in avoiding an interruption of services
June 11	MPU, MOSCO and Wai'ola send letter to PUC in response to the PUC's June 5, 2008 letter
June 12	Mayor Tavares sends letters to Consumer Advocate and PUC commending them for their "strong actions". The Mayor also sends a letter to the Department of Health
June 13	PUC sends letter to MPU, MOSCO, and Wai'ola reminding them of their duties and directing them to provide certain information and documentation they failed to provide in their June 5 request by June 20, 2008. The letter also states that the Commission was going "to take the unprecedented step of opening a rate case proceeding to order a temporary rate increase for MPU and Wai'ola"
June 13	PUC sends letter to Mayor Tavares telling her its short term solution, reminding her the PUC can't compel Utilities to operate in perpetuity and stating "it is the County's responsibility to ensure that its citizens have access to basic water and wastewater services" and asking "that the County be ready to take these systems over when the Utilities eventually discontinue providing service"
June 13	Maui County files a formal complaint with the PUC <u>In the Matter of Waiola O Molokai, Molokai Public Utilities, Inc. and Mosco, Inc.</u> The County contends that the Utilities and parent companies have the financial resources to continue operations. The County asks the PUC to issue a show cause order and any necessary subpoenas, require the utilities to submit a plan for operations

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	after August, conduct certain investigations, review any transfer plans, etc.
June 16	PUC enters an order instituting a temporary rate relief proceeding and sets a public hearing for July 15, 2008 at 10 a.m. at the Maunaloa Elementary School (WMA's PUC counsel has reviewed this order and is fully aware of all PUC proceedings and governmental responses. WMA's PUC counsel, WMA's Water Commission counsel and standby bankruptcy counsel communicate with each other regularly and are coordinating efforts to protect the interests of WMA owners.
June 20	WMA counsel sends letter to Laura Thielen, Chairperson of the Commission on Water Resource Management regarding contested case CCH-MO-97-1, notifying her that WMA members are beneficiaries of the Applicant's request for a water use permit for Well No. 17 and, as such, want to closely monitor future Water Commission proceedings to protect their continued use of water and stating that notwithstanding what the PUC might ultimately do, the matter of obtaining a permit for domestic water for the benefit of WMA members and all other users of Well No. 17 will need to be resolved. Counsel asks that WRM staff keep WMA's law firm apprised of all future developments in the contested case until further notice.(CCH-MO-97-1)
June 20	Molokai Dispatch news story – Mayor Tavares and Councilmember Mateo announce a Molokai public meeting re Ranch water shutdown to be held July 8, 6:30 p.m. at the Mitchell Pauole Ctr
June 23	Utilities response to PUC letter of June 13 – Rate Increase Docket 2008-0115
June 23	Consumer Advocate Position Statement -- Rate Increase Docket 2008-0115
July 2	WMA President sends letter to Mayor Tavares in preparation for Molokai Community Meeting
July 3	WMA counsel files Motion to Intervene in PUC Rate Increase Docket 2008-0115
July 3	WMA counsel files Motion to Intervene in PUC Maui Co. Formal Complaint Docket 2008-0116
July 8	Molokai Community Meeting – Mayor Tavares and Danny Mateo
July 8	Mayor Tavares sends letter to Governor Lingle re declaring state of emergency
July 15	PUC holds a Public Hearing in Maunaloa re Water Rate Increases
July 21	Governor's Letter to Mayor in response to Mayor's July 8 Letter to Governor

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July 21	Department of Health (DOH) issues 4 Orders – 2 of the Orders are directed to Maui County regarding water and wastewater (sewer) and 2 of the Orders are directed to Utilities and MPL regarding water and wastewater (sewer)
July 30-31 Aug 6	Department of Health (DOH) hearings on Orders issued July 21 held in Honolulu before Hearing Examiner Thomas Rack
Aug 7	Hearing Examiner Thomas Rack issues DOH Amended Order re Maui County.
Aug 14	Hearing Examiner Thomas Rack issues Findings of Fact, Conclusions of Law, Decision, and Order re Utilities and MPL
Aug 18	Hearing Examiner Thomas Rack issues Findings of Fact, Conclusions of Law, Decision and Order re Maui County
Aug 18	County of Maui files its Initial Written Assessment Pursuant to Amended DOH Order Dated August 7, 2008 (re drinking water and wastewater if cessation of services)
Aug 29	County of Maui files a Lawsuit in Hawaii's Second Circuit Court against MPL, Utilities and various holding companies and subsidiaries of MPL, formerly known as "Molokai Ranch"
Sept 9	Utilities file letter with PUC stating that the utilities will remain operational for the period of the temporary rate increase and revoke and rescind all prior notices of intent to terminate operations
Sept 16	MPL, Kaluakoi Land, LLC and Cooke Land Company, Inc., defendants in the Maui Co. lawsuit filed Aug 29 file a Motion to Dismiss, or for Summary Judgment or to Stay Action Pending Final Determination of Administrative Proceedings
Oct 30	Judge August orally denies MPL, Kaluakoi Land, LLC and Cooke Land Company Motion to Dismiss, or for Summary Judgment or to Stay Maui County Action Pending Final Determination of Administrative Proceedings