

**Electronically Filed
Supreme Court
SCPW-20-0000568
14-JAN-2021
11:56 AM
Dkt. 74 ODDP**

SCPW-20-0000568

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

HU HONUA BIOENERGY, LLC, Petitioner,

vs.

JAMES P. GRIFFIN, Chairperson, State of Hawai‘i Public Utilities Commission; JENNIFER M. POTTER, Commissioner, State of Hawai‘i Public Utilities Commission; LEODOLOFF R. ASUNCION, Commissioner, State of Hawai‘i Public Utilities Commission, Respondents.

ORIGINAL PROCEEDING
(AGENCY DOCKET NO. 2017-0122)

ORDER DENYING PETITION FOR EXTRAORDINARY WRIT
AND/OR FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins,¹ JJ.)

Upon consideration of petitioner Hu Honua Bioenergy, LLC’s petition for extraordinary writ and/or for writ of mandamus, the answers to the petition, the joinders, the respective supporting documents, and the record, it appears that petitioner is currently seeking relief in its direct appeal to this court in SCOT-20-000569, and, in light of the issues in the

¹ At the time Justice Eddins was assigned as a substitute justice in this case, he was a circuit court judge. On December 11, 2020, Justice Eddins was sworn in as a member of this court.

appeal and the record therein, petitioner's request for relief is more appropriate for consideration in SCOT-20-0000569. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (a writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action; it is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedures). Accordingly,

IT IS HEREBY ORDERED that the petition for extraordinary writ and/or for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, January 14, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

