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Intermediate Court of Appeals
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NO. CAAP-22-0000585

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ALPHA, INC., Petitioner-Appellant-Appellant, v.
BOARD OF WATER SUPPLY, CITY AND COUNTY OF
HONOLULU, Respondent-Appellee-Appellee, and
BEYLIK/ENERGETIC A JV, Intervenor-Appellee-Appellee,
and OFFICE OF ADMINISTRATIVE HEARINGS,
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,
STATE OF HAWAII, Appellee-Appellee,

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CCV-22-0000929)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Leonard, Acting C.J., and Wadsworth and Nakasone, JJ.)

Upon consideration of the motion for reconsideration and clarification of opinion affirming circuit court (**Motion for Reconsideration**), filed on January 8, 2024, by Respondent-Appellee-Appellee Board of Water Supply, City and County of Honolulu (**BWS**), the papers in support, and the record, it appears that:

(1) BWS seeks clarification and/or reconsideration of this court's Opinion, filed on December 29, 2023;

(2) BWS does not present new evidence or arguments that could not have been presented in its answering brief, filed on March 15, 2023, see Citizens for Equitable & Responsible Gov't v. Cnty. of Hawai'i, 108 Hawai'i 318, 335, 120 P.3d 217, 234 (2005); and

(3) BWS presents no point of law or fact that this court overlooked or misapprehended. See Hawai'i Rules of Appellate Procedure Rule 40(b).

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is denied.

DATED: Honolulu, Hawai'i, January 31, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge