

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 ARMIJO, INC., dba)
KAPALUA EXECUTIVE TRANSPORTATION)
SERVICES & EXECUTIVE SHUTTLE)
)
To Extend Certificate No. 4591-C)
to Include the 8-to-25 Passenger)
Classification, on the Island)
of Maui.)
_____)

Docket No. 02-0193

Order No. 20016

ORDER

I.

By application filed on July 29, 2002, ARMIJO, INC., dba KAPALUA EXECUTIVE TRANSPORTATION SERVICES & EXECUTIVE SHUTTLE (Applicant), seeks an expansion of its authority under certificate of public convenience and necessity number 4591-C (Certificate No. 4591-C). Certificate No. 4591-C authorizes Applicant to operate as a common carrier of passengers by motor vehicle over irregular routes, on the island of Maui, in the 1-to-7 passenger classification. Applicant now seeks commission approval to expand its authority to include the 8-to-25 passenger classification.

Timely motions to intervene were filed by TEMPTATION TOURS, INC. (Temptation) and SPEEDISHUTTLE LLC (Speedishuttle) (collectively, Movants), on September 24 and 25, 2002, respectively. Order No. 19928, filed on December 23, 2002, denied Movants' motions to intervene (Order No. 19928).

On December 31, 2002, and January 2, 2003, Temptation and Speedishuttle, respectively, filed timely motions for reconsideration of Order No. 19928 and asked that the commission allow them, pursuant to Hawaii Administrative Rules (HAR) § 6-61-139, to introduce new evidence.¹

II.

Movants seek reconsideration on the grounds that Order No. 19928 is unreasonable. They assert that: (1) being reliable and credible businesspersons, they would not broaden the issues presented in this docket; (2) they could assist the commission in the development of a sound record by obtaining information from state agencies, visitors bureaus, and professional organizations on Maui; and (3) in past proceedings, the commission has not required specific information for a grant of intervention status.

The standard for granting a motion for reconsideration is established in HAR § 6-61-137, which provides that a movant must set forth specific grounds on which that movant considers the decision or order to be unreasonable, unlawful, or erroneous. We apply this standard to Movants' motion for reconsideration.

Upon careful consideration, the commission finds nothing in Movants' motion that merits reconsideration or reversal of Order No. 19928. Movants have not met their burden of showing that the commission's decision or order was unreasonable, unlawful, or

¹Movants' respective motions for reconsideration are identical, and thus, unless otherwise noted, will be discussed in the instant order as one.

erroneous. Based on the existing record, the commission is still not convinced that Movants' intervention would not broaden the issues and delay the instant proceedings. The commission is also not convinced that Movants' participation could assist in developing a sound record in any distinctive way, notwithstanding assertions of their potential contribution to the instant application. We, thus, conclude that the motion for reconsideration should be denied. For these same reasons, we also conclude that Movants' request to introduce new evidence pursuant to HAR § 6-61-139 should also be denied.

III.

THE COMMISSION ORDERS:

1. Movants' motion for reconsideration of Order No. 19928 is denied.
2. Movants' request to introduce new evidence, pursuant to HAR § 6-61-139, is denied.

DONE at Honolulu, Hawaii this 12th day of February,
2003.

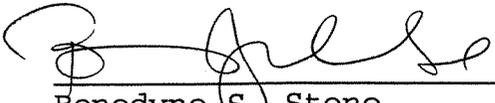
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By (RECUSED)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

02-0193.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20016 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

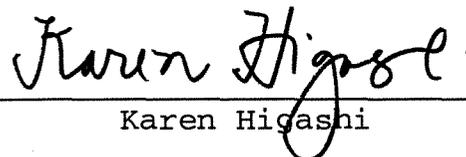
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Karen Higashi

DATED: February 12, 2003