

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
TRI-CITY TRAVEL, INC.)
Notice of Failure to Comply)
With Hawaii Revised Statutes)
and Commission's Regulations)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

DOCKET NO. 02-0301

ORDER NO. 20075

Filed March 12, 2003
At 1:00 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2003 MAR 13 P 4:19

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ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))
TRI-CITY TRAVEL, INC.))
Notice of Failure to Comply) Docket No. 02-0301
With Hawaii Revised Statutes) Decision and Order No. 20075
and Commission's Regulations)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

ORDER

I.

By Decision and Order No. 19892, filed on December 17, 2002, the commission revoked certificate of public convenience and necessity (CPCN) number 4841-C held by TRI-CITY TRAVEL, INC. (Movant), for failure to pay a penalty of \$250.33 that the commission assessed, pursuant to Hawaii Revised Statutes (HRS) § 271-27(i) and Hawaii Administrative Rules (HAR) § 6-62-42, for Respondent's untimely filing of an annual financial report and payment of an annual motor carrier gross revenue fee.

On January 30, 2003, Movant filed a letter requesting that the commission reconsider the revocation of its CPCN. The commission will treat Movant's letter as a motion for reconsideration of Decision and Order No. 19892.

II.

The filing of Movant's Motion for Reconsideration is governed by HRS § 271-32(b) and HAR § 6-61-137. These sections require, among other things, that a motion seeking any change in a commission's decision, order, or requirement be filed within 10 days after the decision or order is served upon the party.

Decision and Order No. 19892 was properly served on Movant, by certified mail, on December 17, 2002. As a result, the last permissible day for proper filing of Movant's Motion for Reconsideration was December 30, 2002.¹ Movant's Motion for Reconsideration was filed on January 30, 2002, one month late. Thus, we find Movant's Motion for Reconsideration to be untimely. Accordingly, since Movant failed to timely adhere to the filing requirements of HRS § 271-32(b) and HAR § 6-61-137, we conclude that Movant's Motion for Reconsideration should be dismissed as moot.

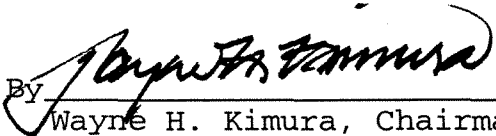
III.

THE COMMISSION ORDERS that Movant's Motion for Reconsideration, filed on January 30, 2003, is dismissed as moot.

¹See HAR §§ 6-61-21 and 6-61-22.

DONE at Honolulu, Hawaii this 12th day of March, 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:


Catherine P. Awakuni
Commission Counsel

02-0301.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20075 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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Honolulu, HI 96809

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Karen Higashi

DATED: March 12, 2003