

o/s
scar

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
SEA TURTLE, LLC)
)
For a Motor Carrier Certificate)
or Permit.)
_____)

DOCKET NO. 02-0243

ORDER NO. 20221

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

2003 JUN -2 P 3:57

RECEIVED

Filed June 2, 2003
At 2:00 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

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 -----)	
SEA TURTLE, LLC)	Docket No. 02-0243
For a Motor Carrier Certificate)	Order No. 20221
or Permit.)	
_____)	

ORDER

I.

By Order No. 20179, filed on May 9, 2003 (Order No. 20179), the commission voided Decision and Order No. 19930, filed on December 23, 2002 (Decision and Order No. 19930). Decision and Order No. 19930 granted the application of SEA TURTLE, LLC (Movant), for a certificate of public convenience and necessity to operate as a motor carrier of passengers in the 8-to-25 passenger classification on the island of Kauai.

By letter filed on May 29, 2003, Movant requested that the commission reconsider the voiding of Decision and Order No. 19930. The commission will treat Movant's letter as a motion for reconsideration of Order No. 20179.

II.

The filing of Movant's motion for reconsideration is governed by Hawaii Revised Statutes (HRS) § 271-32(b) and Hawaii Administrative Rules (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.

Order No. 20179 was properly served upon Movant, by United States mail, on May 9, 2003. As a result, the last permissible day for timely filing Movant's motion for reconsideration was May 21, 2003.¹ Movant's motion for reconsideration was filed on May 29, 2003. Accordingly, we find Movant's motion for reconsideration to be untimely. Thus, since Movant failed to timely file its motion for reconsideration pursuant to HRS § 271-32(b) and HAR § 6-61-137, we conclude that Movant's motion for reconsideration should be dismissed as moot.

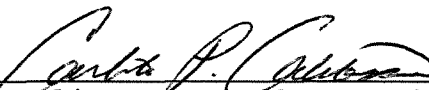
III.


THE COMMISSION ORDERS that Movant's motion for reconsideration, filed on May 29, 2003, is dismissed as moot.

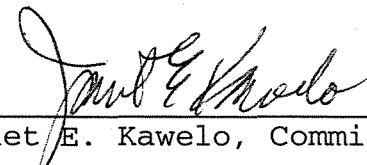
¹See HAR §§ 6-61-21 and 6-61-22.

DONE at Honolulu, Hawaii this 2nd day of June, 2003.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

02-0243.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20221 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
P. O. Box 541
Honolulu, HI 96809

SEA TURTLE LLC
c/o JAMES KAPERNEKAS
P. O. Box 1970
Kapaa, HI 96746



Karen Higashi

DATED: June 2, 2003