

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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2003 JUL -7 P 4:21

In the Matter of the Application of)
)
 HALE MALIKO LLC)
)
 For a Motor Carrier Certificate or)
 Permit.)
 _____)

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
DOCKET NO. 03-0010

ORDER NO. 20299

Filed July 7, 2003
At 1:00 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 the Application of))	
HALE MALIKO LLC)	Docket No. 03-0010
For a Motor Carrier Certificate or)	
Permit.)	Order No. 20299
_____)	

ORDER

I.

By application filed on January 13, 2003, HALE MALIKO LLC ("Applicant") requests a certificate of public convenience and necessity to operate as a common carrier by motor vehicle on the island of Maui in the 1-to-7 and 8-to-25 passenger classifications.

By notices of dismissal dated March 4, 2003, March 21, 2003 and June 4, 2003 (individually, "Notice to Dismiss") (collectively, "Notices to Dismiss"), we informed Applicant of our intent to dismiss the application without prejudice because of Applicant's failure to respond to the commission's request for information. Applicant was further advised that any objection to the dismissal of the application must be submitted in writing and filed not later than ten days from the date of the Notice to Dismiss, and that if an objection was not filed, the commission would issue an order dismissing the application.

Applicant failed to either sufficiently respond to the commission's request for information or object to the dismissal of the application within the ten-day period for any of the Notices to

Dismiss.¹ We, thus, find that there is good cause to dismiss the application in this docket, without prejudice.

II.

On February 18, 2003, motions to intervene were filed by Katherine Barr, dba Town & Country Limousine, Temptation Tours, Inc., and Wailea Limousine Service, Inc. (collectively, "Motions to Intervene"). We find that dismissing the application without prejudice will render the Motions to Intervene moot. We, thus, conclude that the Motions to Intervene should be dismissed.

III.

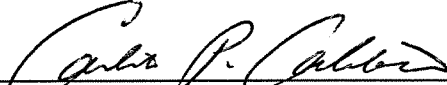
THE COMMISSION ORDERS:


1. The application filed by Applicant on January 13, 2003, is dismissed without prejudice.
2. The Motion to Intervene by Katherine Barr, dba Town & Country Limousine, filed on February 18, 2003 is dismissed as moot.
3. The Motion to Intervene by Temptation Tours, Inc., filed on February 18, 2003, is dismissed as moot.
4. The Motion to Intervene by Wailea Limousine Service, Inc., filed on February 18, 2003, is dismissed as moot.
5. This docket is closed.

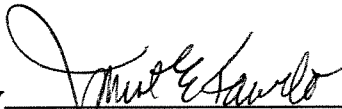
¹Applicant responded in writing to the commission, on April 24, 2003, with assurances that it would complete its application. However, Applicant failed to submit the necessary information to complete the application (specifically, its tax clearance certificate). The commission sent a third Notice to Dismiss on June 4, 2003. Neither an objection nor a tax clearance certificate was received to this Notice to Dismiss.

DONE at Honolulu, Hawaii this 7th day of July, 2003.

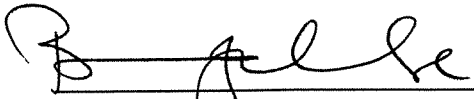
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

03-0132.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20299 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

HALE MALIKO LLC
415 Dairy Road, Suite E108
Kahului, HI 96732

KATHERINE BARR, dba
TOWN & COUNTRY LIMOUSINE
333 Waipalani Road
Haiku, HI 96708

TEMPTATION TOURS, INC.
211 Ahinahina Place
Kula, HI 96790

WALEA LIMOUSINE SERVICE, INC.
P. O. Box 428
Wailuku, HI 96793



Karen Higashi

DATED: July 7, 2003