



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Request of)  
FRANK J. LUCKETTI )  
To Place Operating Authority on) )  
Inactive Status. )  
\_\_\_\_\_)

Docket No. 02-0124  
Order No. **21201**

ORDER

I.

Background

By Order No. 21090, filed on June 29, 2004, in the instant docket, the commission revoked certificate of public convenience and necessity no. 1261-C ("CPCN 1261-C" or "CPCN") held by FRANK J. LUCKETTI ("Movant"). CPCN 1261-C was revoked for Movant's failure to reactivate his CPCN prior to June 14, 2004.<sup>1</sup> By letter filed on July 22, 2004, Movant requested that the commission reconsider Order No. 21090 ("Motion for Reconsideration").<sup>2</sup>

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<sup>1</sup>By Order No. 20319, filed on July 11, 2003, Movant's CPCN was placed on inactive status, until June 14, 2004.

<sup>2</sup>Movant's Motion for Reconsideration included a letter from his insurance agent, a copy of a Certificate of Title and a motor vehicle inventory list.

II.

Discussion

The filing of a 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 ten (10) days after the decision or order is served upon the party.

Order No. 21090 was properly served upon Movant, by United States mail, on June 29, 2004. As a result, the last permissible day for timely filing the Motion for Reconsideration was July 12, 2004.<sup>3</sup> Movant's Motion for Reconsideration was filed with the commission on July 22, 2004.

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.

Order

THE COMMISSION ORDERS that Movant's Motion for Reconsideration, filed on July 22, 2004, is dismissed as moot.

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<sup>3</sup>See HAR §§ 6-61-21 and 6-61-22.

DONE at Honolulu, Hawaii this 4th day of August, 2004.

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

02-0124.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21201 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

FRANK J. LUCKETTI  
84-940 Moaelehua Street  
Waianae, HI 96792

  
\_\_\_\_\_  
Karen Higashi

DATED: AUG 04 2004