

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 KIRK MONTGOMERY, dba )  
 BLUE TORCH DELIVERY SERVICE )  
 )  
 For a Motor Carrier Certificate or )  
 Permit. )  
 \_\_\_\_\_ )

DOCKET NO. 04-0198

ORDER NO. 21824

RECEIVED  
2005 MAY 23 A 7:58  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed May 19, 2005  
At 10 o'clock A .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 )  
KIRK MONTGOMERY, dba )  
BLUE TORCH DELIVERY SERVICE )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

Docket No. 04-0198

Order No. 21824

ORDER

By this Order, the commission orders that Decision and Order No. 21453 is voided and this docket is closed.

I.

Application for Common Carrier Authority

On November 5, 2004, in Decision and Order No. 21453, the commission approved the application of KIRK MONTGOMERY, dba BLUE TORCH DELIVERY SERVICE ("Applicant"), for a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the household goods classification. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within one hundred and twenty (120) days of the issuance of the decision and order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to void the Decision and Order. We served

Applicant with a copy of the Decision and Order by mail, postage prepaid, on the same day that the Decision and Order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122. Additionally, we sent a letter to Applicant, dated November 5, 2004, which reiterated the commission's requirements and specified March 5, 2005, as the deadline for compliance.

II.

Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in Decision and Order No. 21453. The commission, thus, determines that Decision and Order No. 21453 should be voided.

III.


Orders

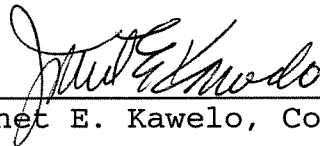
THE COMMISSION ORDERS that Decision and Order No. 21453 is voided and this docket is closed.

DONE at Honolulu, Hawaii MAY 19 2005.

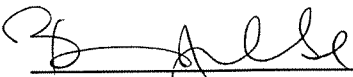
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

04-0198.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21824 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

KIRK MONTGOMERY, dba  
BLUE TORCH DELIVERY SERVICE  
76-6196 Mania Lane  
Kailua-Kona, HI 96740

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

DATED: MAY 19 2005