

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

JACK'S TOURS, INC.,)
a corporation)
)
)
Complainant,)
)
vs.)
)
KILAUEA MILITARY CAMP)
)
)
Respondent.)
_____)

DOCKET NO. 04-0141

ORDER NO. 21914

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

Filed July 12, 2005
At 2:30 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

JACK'S TOURS, INC.,)
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Complainant,)
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vs.)
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KILAUEA MILITARY CAMP)
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Respondent.)
_____)

Docket No. 04-0141
Order No. 21914

ORDER

By this Decision and Order, the commission denies JACK'S TOURS, INC.'s ("Jack's") motion for reconsideration of Decision and Order No. 21876 ("Motion for Reconsideration"), filed on June 29, 2005 in the matter of the formal complaint filed by Jack's ("Complaint") against KILAUEA MILITARY CAMP ("KMC").

I.

Background

By Decision and Order No. 21876, filed on June 17, 2005, the commission dismissed, without prejudice, the Complaint, filed on June 4, 2004, against KMC.

On June 29, 2005, Jack's filed a timely motion for reconsideration of Decision and Order No. 21876, pursuant to Hawaii Administrative Rules (HAR) § 6-61-137.

II.

Discussion

The standard for granting a motion for reconsideration is established in HAR § 6-61-137, which provides that a movant must set forth specific grounds on which the movant considers the decision or order to be unreasonable, unlawful, or erroneous. We apply this standard to Jack's motion for reconsideration.

In seeking reconsideration, Jack's argues that Decision and Order No. 21876 is erroneous. In particular, Jack's argues, among other things, that the commission incorrectly determined that it does not have subject matter jurisdiction to address Jack's' allegation that KMC is offering its motor carrier services to the general public and that KMC is not exempt from commission jurisdiction by virtue of its relationship to the federal government.

Upon careful consideration, the commission finds nothing in Jack's Motion for Reconsideration that merits reconsideration or reversal of Decision and Order No. 21876. Jack's has not met its burden of showing that the commission's decision is unreasonable, unlawful, or erroneous. We, thus, conclude that the Motion for Reconsideration should be denied.

III.

THE COMMISSION ORDERS that Jack's Motion for Reconsideration of Decision and Order No. 21876 is denied.

DONE at Honolulu, Hawaii JUL 12 2005 .

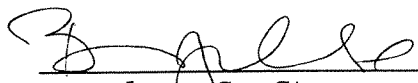
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0141.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21914 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

JACK'S TOURS, INC.
737 Kanoelehua Avenue
Hilo, HI 96720

WRAY H. KONDO, ESQ.
EMI L.M. KAIMULOA, ESQ.
WATANABE ING KAWASHIMA & KOMEIJI LLP
First Hawaiian Center, 23rd Floor
999 Bishop Street
Honolulu, HI 96813

KILAUEA MILITARY CAMP
HAWAII VOLCANOES NATIONAL PARK
HAWAII NATIONAL PARK, HI 96718

DAVID A. MCCORMICK, ESQ.
U.S. ARMY LEGAL SERVICES AGENCY
901 N. Stuart Street, Room 713
Arlington, VA 22203-1837



Karen Higashi

DATED: JUL 12 2005