

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 KEKONA'S HAWAII, INC.)
)
 To Place Operating Authority)
 On Inactive Status.)
 _____)

DOCKET NO. 03-0217

ORDER NO. 22057

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

2005 SEP 30 P 4: 16

RECEIVED

Filed Sept. 30, 2005
At 11 o'clock A .M.

Karen Higash.
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))	
KEKONA'S HAWAII, INC.))	Docket No. 03-0217
To Place Operating Authority))	Order No. 22057
On Inactive Status.))	
<hr/>		

ORDER

By this Order, the commission grants KEKONA'S HAWAII, INC.'s ("Kekona's") motion for reconsideration of Order No. 22000 ("Motion for Reconsideration"), filed on September 7, 2005, vacates Order No. 22000 and orders that Kekona's certificate of public convenience and necessity no. 1040-C ("Certificate No. 1040-C") is hereby reactivated effective from August 22, 2005.

I.

Background

By Order No. 22000, filed on August 31, 2005, ("Order No. 22000") the commission revoked Certificate No. 1040-C for Kekona's failure to reactivate Certificate 1040-C pursuant to the requirements of Order No. 21380, filed on September 29, 2004, in this proceeding.¹ Order No. 22000 stated that Kekona's failed to

¹See Hawaii Revised Statutes ("HRS") § 271-19(b).

reactivate Certificate No. 1040-C "prior to August 22, 2005" as instructed in Order No. 21380.²

II.

Discussion

The standard for granting a motion for reconsideration is established in Hawaii Administrative Rules § 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 Kekona's Motion for Reconsideration.

Ordering paragraph number 1 of Order No. 21380 ("Paragraph 1") ordered that Certificate No. 1040-C be placed on inactive status "until August 22, 2005".³ Ordering paragraph number 2 of Order No. 21380 ("Paragraph 2") provided that Certificate No. 1040-C shall be declared abandoned and revoked if it was not reactivated "prior to the expiration of the period of inactivity".⁴

Upon further review and careful consideration, the commission agrees that, under the plain language of Paragraph 1, read in conjunction with instructions given in Paragraph 2,

²Order No. 22000 at 1-2.

³This was the second twelve (12)-month period of inactivity for Kekona's. Order No. 20385, filed on August 22, 2003 in this proceeding, ordered that Certificate No. 1040-C be placed on inactive status until August 22, 2004, pursuant to HRS § 271-19(b).

⁴Order No. 21380 at 2.

Kekona's had until the end of the business day on August 22, 2005, in which to file all documentation necessary for reactivation with the commission. The commission finds that Kekona's filed its documentation for reactivation by the close of business on August 22, 2005, and was thus in compliance with the commission's instructions set forth in Order No. 21380.⁵ We, thus, conclude that the Motion for Reconsideration should be granted and commission Order No. 22000 should be vacated.

The commission also finds that all documentation necessary for reactivation of Certificate No. 1040-C was filed by Kekona's with the commission on August 22, 2005. Petitioner has satisfied the requirements for reactivation of Certificate No. 1040-C, including, but not limited to, providing the requisite tariff, and vehicle and insurance documents. Accordingly, the commission concludes that there is good cause to grant Petitioner's request to reactivate Certificate No. 1040-C.

III.

Order

THE COMMISSION ORDERS:

1. Kekona's Motion for Reconsideration of Order No. 22000, filed on September 7, 2005, is granted.
2. Order No. 22000, filed on August 31, 2005, is vacated.
3. Certificate No. 1040-C is hereby reactivated, effective from August 22, 2005.

⁵See Order No. 22000, n. 1.


4. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii SEP 30 2005.

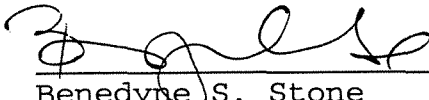
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

03-0217.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22057 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Karen Higashi

DATED: SEP 30 2005