

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Request of )  
)  
HAWAIIAN PACIFIC WATERSPORTS, INC., )  
dba PLANET OCEAN WATERSPORTS )  
)  
To Place Operating Authority on )  
Inactive Status. )  
\_\_\_\_\_ )

DOCKET NO. 04-0310

ORDER NO. 22265

RECEIVED  
2006 FEB -6 A 8:30  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed Feb. 3, 2006  
At 8 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 Request of ) ) HAWAIIAN PACIFIC WATERSPORTS, INC., ) dba PLANET OCEAN WATERSPORTS ) ) To Place Operating Authority on ) Inactive Status. ) <hr style="width: 40%; margin-left: 0;"/>	Docket No. 04-0310  Order No. 22265
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ORDER

By this Order, the commission vacates Order No. 21459, filed on November 15, 2004, in the matter of HAWAIIAN PACIFIC WATERSPORTS, INC., dba PLANET OCEAN WATERSPORTS ("Petitioner").

I.

Background

By letter filed on October 27, 2004, Petitioner requested that certificate of public convenience and necessity number 5704-C ("Certificate No. 5704-C") be placed on inactive status. Finding good cause, the commission granted Petitioner's request by issuing Order No. 21459, filed on November 15, 2004, in this docket, placing Certificate No. 5704-C on inactive status for one (1) year, effective from November 15, 2004. The commission stated in its order, and pursuant to Hawaii Revised Statutes § 271-19(b): "If Certificate No. 5704-C is not reactivated prior to the expiration of the period of inactivity, i.e., within one year from the date of this order, it shall be declared abandoned and revoked. The request to reactivate

Certificate No. 5704-C, along with the filing of all required documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 5704-C shall be revoked." On January 9, 2006, Petitioner filed a letter requesting that the commission reactivate Certificate No. 5704-C.

## II.

### Findings and Conclusions

While the commission notes that Petitioner's request is untimely, as the request was not filed prior to the expiration of the inactivity period, i.e., prior to November 15, 2005, the commission finds there are extenuating circumstances. A review of the commission's records indicates that Order No. 21459 was sent to Petitioner at 200 Kanoelehua Avenue, Hilo, Hawaii 96720, and was returned to the commission as undeliverable. A further review of commission records indicates that Petitioner had provided a new address on its 2004 Annual Financial Report ("AFR") to the commission. Petitioner's AFR was filed on the same day as Petitioner's request to place Certificate No. 5704-C on inactive status.

As it is apparent that Petitioner did not receive Order No. 21459, and, thus, had no notice that Certificate No. 5704-C was placed on inactive status, and, in addition, no notice that a request to reactivate Certificate No. 5704-C, along with the filing of all required documents necessary for reactivation, had to be completed prior to the expiration of the inactivity period,

or Certificate No. 5704-C would be revoked, the commission finds good cause to vacate Order No. 21459.


III.

Order

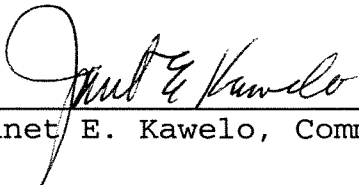
THE COMMISSION ORDERS that Order No. 21459 is vacated, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii FEB - 3 2006.

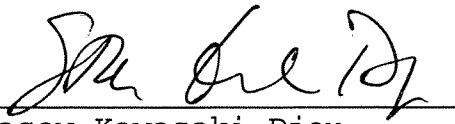
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

04-0310.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22265 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

HAWAIIAN PACIFIC WATERSPORTS, INC., dba  
PLANET OCEAN WATERSPORTS  
P. O. Box 7394  
Hilo, HI 96720

  
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Karen Higashi

DATED: FEB - 3 2006