

On August 1, 2006, Movant filed a letter requesting that the commission reconsider Order No. 22611 ("Motion for Reconsideration").¹

II.

Discussion

The filing of Movant's 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 a decision or order has been served upon a party.

Order No. 22611 was properly served upon Movant on July 18, 2006, by United States mail, postage prepaid, and addressed to the last known address of the Movant on file with the commission, pursuant to HAR § 6-61-21(d)(3). The last permissible day for timely filing of Movant's Motion for Reconsideration was July 31, 2006.² Movant's Motion for Reconsideration was filed on August 1, 2006. We find Movant's

¹Movant sent its letter to the Division of Consumer Advocacy at P. O. Box 541, Honolulu, Hawaii 96809. Movant's letter was received by the Division of Consumer Advocacy on August 1, 2006, and was forwarded to the commission on the same date.

According to Movant, it had previously sent a letter to the commission requesting that Certificate No. 4838-C be reactivated. The commission, however, logs all documents received by the commission, and there is no evidence that the commission (or the Division of Consumer Advocacy) ever received a letter from Movant requesting reactivation of Certificate No. 4838-C prior to the expiration of the period of inactivity, i.e., by May 28, 2006.

²See HAR §§ 6-61-137, 6-61-21, and 6-61-22.

Motion for Reconsideration to be untimely. Accordingly, 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.

III.

Order

THE COMMISSION ORDERS:

Movant's Motion for Reconsideration, filed on August 10, 2006, is dismissed as untimely.

DONE at Honolulu, Hawaii SEP - 5 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

2004-0087.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22818 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

RAWSON INTERNATIONAL, INC., dba
EXOTIC MAUI TOURS
1787 Halama Street
Kihei, HI 96753



Karen Higashi

DATED: SEP - 5 2006