

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
ALAN S. WEATHERFORD, dba)
TROPICAL FANTASY)
)
To Place Operating Authority on)
Inactive Status.)
_____)

DOCKET NO. 04-0126

ORDER NO. 22819

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

2006 SEP -1 A 8:45

RECEIVED

Filed Sept. 5, 2006
At 1 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.

he did not receive a copy of Order Nos. 21962 and 21098 until August 3, 2006, and, thus, was not aware of the requirement that Certificate No. 1682-C needed to be reactivated prior to June 29, 2005. Because it appears that the intent of Movant's letter of August 10, 2006 was to request that the commission reconsider Order No. 21960, we will treat Movant's August 10, 2006 letter as a motion for reconsideration of Order No. 21962 ("Motion for Reconsideration").

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. 21962 was properly served upon Movant on August 5, 2005, 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 August 17, 2005.¹ Movant's Motion for Reconsideration was filed on August 10, 2006. We find Movant's Motion for Reconsideration to be untimely. Accordingly, since

¹See HAR §§ 6-61-137, 6-61-21, and 6-61-22.

Movant failed to timely file his 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.

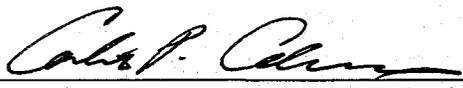
Order

THE COMMISSION ORDERS:

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

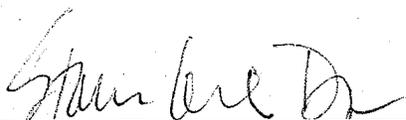
DONE at Honolulu, Hawaii SEP - 5 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

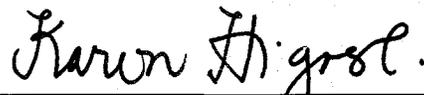
04-0126.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22819 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

ALAN S. WEATHERFORD, dba
TROPICAL FANTASY
49-074 Kamehameha Highway, Box #5
Kaneohe, HI 96744



Karen Higashi

DATED: SEP - 5 2006