

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))
GALAXY TOUR, INCORPORATED))
Notice of Failure to Comply))
With Hawaii Revised Statutes))
and Commission's Regulations;))
Order to Show Cause Why))
Respondent's Operating))
Authority Should Not Be))
Suspended or Revoked.))
-----))
Docket No. 2006-0238
Order No. 23135

DECISION AND ORDER

By this Decision and Order, the commission vacates Order No. 22673, filed on August 3, 2006, and Decision and Order No. 23037, filed on November 21, 2006, in the matter of GALAXY TOUR, INCORPORATED ("Respondent").

I.

History

By Order No. 22673, filed on August 3, 2006, the commission ordered Respondent to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on September 27, 2006 to show cause why Respondent's certificate of public convenience and necessity number 1600-C should not be suspended or revoked for failure to file an annual financial report ("AFR") and pay an annual motor carrier gross revenue fee ("Fee") for the year 2005, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a),

6-62-24(a). As Respondent failed to appear at the hearing, the commission revoked Certificate No. 1600-C by Decision and Order No. 23037, filed on November 21, 2006.

On November 30, 2006, Respondent filed a timely motion for reconsideration ("Motion") of Decision and Order No. 23037. In its Motion, Respondent stated, among other things, the following: (1) that it has no record of receiving the notice dated August 3, 2006 that ordered its appearance before the commission on September 27, 2006; (2) that it was waiting for its 2005 annual financial report from its CPA, as it operates on a fiscal year that ends July 31; and (3) that it has established controls and procedures on a going forward basis to ensure that it will comply with all Hawaii statutes as well as commission regulations.

On November 30, 2006, Respondent filed its 2005 AFR and paid a partial balance of its Fee. On December 4, 2006, Respondent paid the remaining balance of its Fee and paid \$56.36 in penalties and interest that the commission assessed, pursuant to HRS § 271-27(i) and HAR §§ 6-62-24(b)(c) and 6-62-42(d).

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the requirements set forth in Order No. 22673 and, thus, finds good cause in this particular instance to vacate Order 22673 and to reconsider and set aside Decision and Order No. 23037.

III.

Orders

THE COMMISSION ORDERS:

1. Order No. 22673, filed on August 3, 2006, and Decision and Order No. 23037, filed on November 21, 2006, are vacated.

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

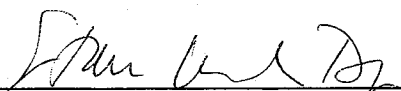
DONE at Honolulu, Hawaii DEC 14 2006.

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

2006-0238.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23135 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

GALAXY TOUR, INC.
1833 Kalakaua Avenue, Suite #818
Honolulu, HI 96815



Karen Higashi

DATED: DEC 14 2006