

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 HAWAII RESORTS)
 TRANSPORTATION CO., INC.)
)
 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. 04-0216

Order No. 23259

ORDER

By this Order, the commission dismisses as untimely the motion for reconsideration filed by HAWAII RESORTS TRANSPORTATION CO., INC. ("Movant"), on January 5, 2007.

I.

Background

By Order No. 21257, filed on September 7, 2004, the commission ordered Movant to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 6, 2004, to show cause why Movant's Certificate No. 5654-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 2003, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), 6-62-24(a).

As Movant failed to appear at the hearing, the commission revoked Movant's Certificate No. 5654-C by Decision and Order No. 22414, filed on April 24, 2006.

On January 5, 2007, Movant filed a motion for reconsideration of Decision and Order No. 22414. In the motion, Michael Olival, Movant's President, states that he lost his son, Joshua, in a fatal accident on February 18, 2002, and as a result could not cope with the responsibilities of running the business, as Joshua handled the transportation end. Mr. Olival states that with the help of his other two sons, however, the problem should not reoccur and requests that the commission reinstate Movant's certificate.

On January 5, 2007, Movant filed its AFR for the years 2003, 2004, and 2005, and on January 22, 2007, paid the applicable yearly Fees. On February 2, 2007, Movant paid \$177.63 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.

Discussion

The filing of Movant's motion for reconsideration is governed by HRS § 271-32(b) and 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. HAR § 6-61-21(e) allows an additional two days when service is effected by mail.

Decision and Order No. 22414 was properly served upon Movant on April 24, 2006, by United States mail, postage prepaid, and addressed to the last known address of Movant on file with the commission, pursuant to HAR § 6-61-21(d)(3). The last permissible day for timely filing Movant's motion for reconsideration was May 8, 2006. Movant's motion for reconsideration was filed on January 5, 2007. We, thus, find Movant's 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.


Orders

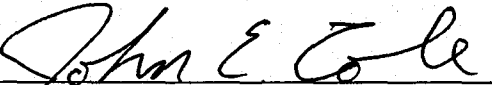
THE COMMISSION ORDERS:

Movant's motion for reconsideration, filed on January 5, 2007, is dismissed as untimely.

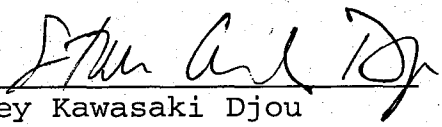
DONE at Honolulu, Hawaii FEB 15 2007

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

2004-0216.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23259 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

HAWAII RESORTS TRANSPORTATION CO., INC.
P. O. Box 183
Honokaa, HI 96727



Karen Higashi

DATED: FEB 15 2007