

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).¹ As Movant failed to appear at the hearing, the commission revoked Movant's Certificate No. 1808-C by Decision and Order No. 23039, filed on November 21, 2006.

On August 6, 2007, Movant filed a motion for reconsideration of Decision and Order No. 23039 and a motion for enlargement of time to file its motion for reconsideration, as the motion for reconsideration was untimely.²

II.

Discussion

HAR § 6-61-23(a)(2), which governs requests for enlargement of time, states in relevant part:

- (a) When by this chapter or by notice or by order of the commission, any act is required or allowed to be done at or within a specified time, the commission for good cause shown may at any time, in its discretion:
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¹The commission notified Movant of the September 27, 2006 hearing by serving Order No. 22677 upon Movant by certified mail, return receipt requested, at Movant's last known address. Pursuant to HAR § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Movant's last known address, or to Movant's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Movant with notice of hearing via statewide publication in newspapers of general circulation on September 5 and September 12, 2006.

²HRS § 271-32(b) and HAR § 6-61-137 provide that a motion for reconsideration must be filed within ten (10) days of service of the decision and order. HAR § 6-61-21(e) allows for an additional two days when service is effected by mail. Thus, in this instance, Movant's motion for reconsideration should have been filed on or before December 4, 2006.

(2) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect

HAR § 6-61-23(a)(2). Thus, section 6-61-23(a)(2) allows Respondent to file a motion for reconsideration only upon a showing of excusable neglect.

In its motion for an enlargement of time, Movant states that it moved its office since filing its papers with the commission and by the time it received our notice of appearance it was too late. HRS § 271-26.5 provides that a certificate holder shall report any change of address to the commission within five (5) business days from such change and provides that all communications, correspondence, and service of orders shall be made upon the certificate holder at the last recorded address on file with the commission. Order No. 22677 was properly served upon Movant by United States mail, postage prepaid, and addressed to the last known address of Movant on file with the commission, pursuant to HRS § 271-26.5 and HAR § 6-61-21. The commission, thus, finds that Movant's explanation for requesting an enlargement of time does not amount to excusable neglect. We, therefore, conclude that Movant's motion for enlargement of time should be denied. 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.

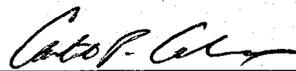
Orders

THE COMMISSION ORDERS:

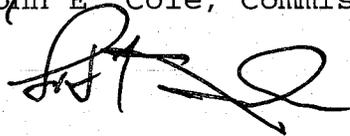
1. Movant's motion for enlargement of time, filed on August 6, 2007, is denied.
2. Movant's motion for reconsideration, filed on August 6, 2007, is dismissed as untimely.

DONE at Honolulu, Hawaii SEP 10 2007.

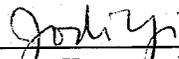
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

sv 
Stacey Kawasaki Djou
Commission Counsel

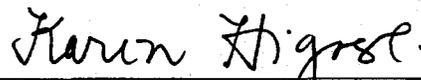
2006-0242.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23644 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
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Karen Higashi

DATED: SEP 10 2007