

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of the-----)
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to)
Investigate the Reasonableness)
of Establishing Rate Flexibility)
for Motor Carriers of Passengers)
and Property.)
_____)

DOCKET NO. 03-0245

ORDER NO. 23923

Filed December 21, 2007
At 11 o'clock A .M.

for [Signature]
Chief Clerk of the Commission

RECEIVED
2007 DEC 24 A 9:58
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

per
ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
[Signature]

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Docket No. 03-0245

Order No. 23923

ORDER

By this Order, the commission closes this docket.

I.

Closure of the Docket

A.

Docket No. 03-0245

On August 29, 2003, the commission opened an investigation to examine the feasibility of establishing: (1) a zone of reasonableness for motor carriers of passengers and property, whereby specific percentage increases or decreases in a carrier's rates and charges within an established zone are automatically approved, if the requested changes are within a zone or range authorized by the commission for that carrier's operations; or (2) some other mechanism to expedite the

ratemaking and rate review procedures for regulated motor carriers.¹

By Decision and Order No. 20704, filed December 5, 2003, the commission implemented a one-year Zone of Reasonableness pilot program ("Zone") governing the commission's rate review and approval process for motor carriers of passengers and property, effective January 1, 2004.² The commission subsequently extended the Zone for an additional three years, from January 1, 2005 up to and including December 31, 2007, subject to certain conditions.³

B.

Docket No. 2007-0159

On June 22, 2007, the commission, in In re Public Util. Comm'n, Docket No. 2007-0159, opened a new proceeding to investigate whether it was in the public interest to continue the Zone for motor carriers, with or without modification, or to terminate the Zone.⁴

¹The Parties in this investigative proceeding are: (1) HAWAII STATE CERTIFIED COMMON CARRIERS ASSOCIATION, INC. ("HSCCCA"); (2) HAWAII TRANSPORTATION ASSOCIATION, INC. ("HTA"); (3) WESTERN MOTOR TARIFF BUREAU, INC. ("WMTB"); and (4) the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62(a).

²Decision and Order No. 20704, filed on December 5, 2003.

³Decision and Order No. 21490, filed on December 7, 2004.

⁴In re Public Util. Comm'n, Docket No. 2007-0159, Order No. 23502, filed on June 22, 2007. The Parties in Docket No. 2007-159 and Docket No. 03-0245 are the same: HSSCA, HTA, WMTB, and the Consumer Advocate.

By Decision and Order No. 23862, filed on December 3, 2007, the commission extended the Zone for an additional four years, from January 1, 2008 up to and including December 31, 2011, subject to certain conditions.⁵

C.

Docket No. 03-0245

Here, the commission notes that Docket No. 2007-0159, in effect, supersedes Docket No. 03-0245, the commission's initial proceeding that resulted in the implementation of the Zone. Under the circumstances, the commission closes Docket No. 03-0245 as moot.

II.

Order

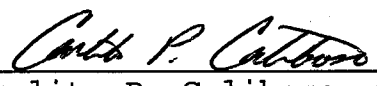
THE COMMISSION ORDERS:

This docket is closed unless ordered otherwise by the commission.

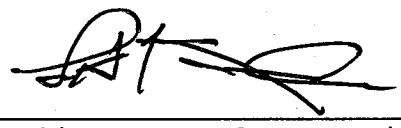
⁵See In re Public Util. Comm'n, Docket No. 2007-0159, Decision and Order No. 23862, filed on December 3, 2007.

DONE at Honolulu, Hawaii DEC 21 2007.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

03-0245.cp

CERTIFICATE OF SERVICE

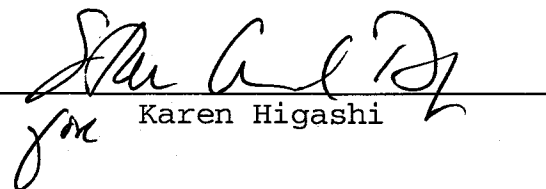
I hereby certify that I have this date served a copy of the foregoing Order No. 23923 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
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DIVISION OF CONSUMER ADVOCACY
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for Karen Higashi

DATED: DEC 21 2007