

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
JEHOVAH TRUCKING INCORPORATED)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2008-0082

ORDER DENYING MOTION FOR
RECONSIDERATION FILED ON FEBRUARY 6, 2009

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

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FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of)
JEHOVAH TRUCKING INCORPORATED) Docket No. 2008-0082
For a Motor Carrier Certificate or)
Permit.)
_____)

ORDER DENYING MOTION FOR
RECONSIDERATION FILED ON FEBRUARY 6, 2009

By this Order, the commission denies the motion filed by JEHOVAH TRUCKING INCORPORATED ("Movant") on February 6, 2009, seeking the commission's reconsideration of the Order filed on January 29, 2009, which vacated the Decision and Order filed on September 4, 2008.

I.

Background

By Decision and Order, filed on September 4, 2008, the commission approved the application of Movant for a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification upon condition that Movant file certain required documents with the commission within one hundred twenty (120) days of the issuance of the Decision and Order. By Order filed on January 29, 2009, the commission vacated the Decision and Order filed on

September 4, 2008, for Movant's failure to comply with the commission's requirements within the specified time period.

On February 3, 2009, Movant filed a timely motion seeking the commission's reconsideration of the Order which vacated the Decision and Order filed on September 4, 2008. In its motion, Movant requests that the commission allow it an additional one hundred twenty (120) days to comply with the Decision and Order. The additional time is needed so that Movant may buy a truck and trailer.

II.

Discussion

The standard for granting a motion for reconsideration is set forth in Hawaii Administrative Rules § 6-61-137, which provides, in relevant part, that a motion for reconsideration must specifically set forth the grounds on which movant considers the decision or order unreasonable, unlawful, or erroneous.

Upon review, the commission finds nothing in Movant's motion for reconsideration that merits either reconsideration, or a reversal of the Order that vacates the Decision and Order filed on September 4, 2008. The commission finds that the Order was not one unreasonable, unlawful, or erroneous, and, thus, concludes that Movant's motion for reconsideration should be denied.

III.


Order

THE COMMISSION ORDERS:


Movant's motion for reconsideration of the Order filed on January 29, 2009 is denied.¹

DONE at Honolulu, Hawaii FEB 19 2009.

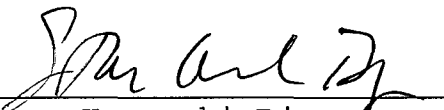
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0082.laa

¹The commission will treat Movant's request for an additional one hundred twenty (120) days to comply with the requirements set forth in the Decision and Order filed on September 4, 2008, as a motion for an extension of time, pursuant to Hawaii Administrative Rules § 6-61-23. Movant's motion for an extension of time is moot, however, as the commission denied Movant's motion for reconsideration of the Order filed on January 29, 2009.

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

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