

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----  
SUNTREK TOURS, 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. 02-0296

RECEIVED  
2003 JAN 15 P 4: 02  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

ORDER NO. 19962

Filed Jan. 14, 2003  
At 12:00 o'clock P.M.

Karen Higashi  
Chief Clerk of the Commission

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

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----) )  
SUNTREK TOURS, INC. ) Docket No. 02-0296  
Notice of Failure to Comply ) Order No. 19962  
With Hawaii Revised Statutes )  
and Commission's Regulations )  
Order to Show Cause Why )  
Respondent's Operating )  
Authority Should Not Be )  
Suspended or Revoked. )  
\_\_\_\_\_)

ORDER

By Decision and Order No. 19891, filed on December 17, 2002, the commission revoked certificate of public convenience and necessity number 1592-C held by SUNTREK TOURS, INC. (Movant), for failure to file an annual financial report (AFR), pursuant to Hawaii Revised Statutes (HRS) § 271-25, and pay an annual motor carrier gross revenue fee (Fee), pursuant to HRS § 271-36.

On December 24, 2002, Movant, through its counsel, William W. Milks, Esq., filed a timely motion for reconsideration of Decision and Order No. 19891 and a motion to stay the effectiveness of Decision and Order No. 19891.<sup>1</sup>

---

<sup>1</sup>Movant's motion for reconsideration and motion for stay are considered timely, pursuant to Hawaii Administrative Rules §§ 6-61-21(e) and 6-61-137.

II.

A.

Movant seeks reconsideration on the basis that it is "unclear" why the AFR and the Fee "were not recorded by the Commission." Movant states that it will "assess the situation and provide an explanation for lapses, if any" upon the return of its general manager and bookkeeper on January 6, 2003. As Exhibits "A" and "B" to the motions, respectively, Movant provides copies of its prepared 2001 AFR and check for the Fee.<sup>2</sup>

Upon careful review of, among other things, the commission's records, we find that Movant neither filed its AFR, nor paid its Fee. Nonetheless, we conclude that the motion for reconsideration should be granted, subject to the following conditions:

- (1) Movant must file with the commission an AFR that complies with HRS § 271-25 within 30 days of this order, and
- (2) Movant must pay the Fee and any delinquent filing penalties and interest assessed by the commission pursuant to HRS § 271-27(h) and (i) and Hawaii Administrative Rules § 6-62-42 within 30 days of this order.

---

<sup>2</sup>The commission requested the filing of the 2001 AFR and the payment of the Fee in correspondence to Movant dated May 8, 2002. The commission also sent Movant a Notice of Violation, Order to Show Cause, and Notice of Hearing on September 30, 2002 and published notices of such hearing statewide in newspapers of general circulation, in accordance with Chapter 91, HRS.

B.

Movant seeks a stay of Decision and Order No. 19891 until such time as: (1) the circumstances surrounding the filing of the 2001 AFR are clarified, (2) payment of the Fee is confirmed, and (3) the cause for the failure to acknowledge Order No. 19607, the Order to Show Cause, can be explained.

Upon review of Movant's motion to stay, the memorandum in support of the motion to stay, and the record, we conclude that the motion to stay the effectiveness of Decision and Order No. 19891 should be granted, subject to the conditions set forth in this order.

III.

THE COMMISSION ORDERS:

1. Movant's motion for reconsideration of Decision and Order No. 19891, filed on December 24, 2002, is granted, subject to the following conditions:

- A. Movant must file with the commission an AFR that complies with HRS § 271-25 within 30 days of this order, and
- B. Movant must pay the Fee and any delinquent filing penalties and interest assessed by the commission pursuant to HRS § 271-27(h) and (i) and Hawaii Administrative Rules § 6-62-42 within 30 days of this order.

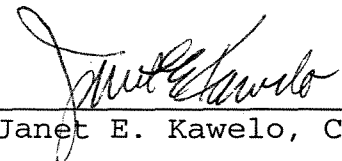
2. Movant's motion to stay the effectiveness of Decision and Order No. 19891, filed on December 24, 2002, is granted, subject to the conditions outlined in paragraph III.1, above.

3. Failure to timely satisfy the conditions set forth above will constitute cause to rescind this order.

DONE at Honolulu, Hawaii this 14th day of January, 2003.

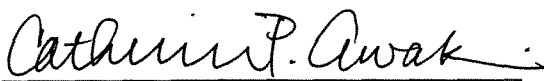
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

By (RECUSED)  
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

  
Catherine P. Awakuni  
Commission Counsel

02-0296.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19962 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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

SUNTREK TOURS, INC.  
Sun Plaza, 77 West Third Street  
Santa Rosa, CA 95401

WILLIAM W. MILKS, ESQ.  
Pacific Tower, Suite 977  
1001 Bishop Street  
Honolulu, HI 96813

  
\_\_\_\_\_  
Karen Higashi

DATED: January 14, 2003