

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
WESTERN MOTOR TARIFF BUREAU, INC.)
To Increase Rates and Charges)
on Behalf of Motor Carriers)
Participating in WMTB's Passenger)
Carrier Tariff No. 8-C, Island)
of Oahu.)
WMTB Rate Notice No. 4322-8-C.)

DOCKET NO. 02-0362

RECEIVED

2003 FEB -5 P 1:56

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

ORDER NO. 20007

Filed Feb. 5, 2003
At 9:30 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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

K. Higashi

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| WESTERN MOTOR TARIFF BUREAU, INC.) |) | Docket No. 02-0362 |
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| Carrier Tariff No. 8-C, Island) |) | |
| of Oahu.) |) | |
| WMTB Rate Notice No. 4322-8-C.) |) | |
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ORDER

I.

By Decision and Order No. 19950, filed on January 7, 2003, the commission denied WESTERN MOTOR TARIFF BUREAU, INC.'s (WMTB) Rate Notice No. 4322-8-C. In concluding that WMTB had failed to meet "its burden of establishing the lawfulness of the increases in rates and charges proposed by its rate notice[.]" the commission noted five deficiencies in WMTB's supporting cost study.

On January 21, 2003, WMTB filed a motion seeking the reconsideration of Decision and Order No. 19950. WMTB makes its request in accordance with Hawaii Revised Statutes (HRS) § 271-32 and Hawaii Administrative Rules (HAR) chapter 6-61, subchapter 14. WMTB states that "[a] hearing is requested on the motion if deemed necessary by the Commission."

A copy of the motion was served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate).

II.

A motion for reconsideration shall specifically state the grounds upon which the movant considers the commission's decision unreasonable, unlawful, or erroneous. HRS § 271-32 and HAR § 6-61-137.

In seeking reconsideration, WMTB states that:

1. The concerns raised by the commission in its five findings "were never used in previous cost studies when decisions were made in rate cases."¹
2. The Consumer Advocate "evaluated the entire case and agreed with the industry on the increases."

The commission will address WMTB's motion in the absence of a hearing. Upon careful review, the commission finds that nothing raised by WMTB in its motion merits the reconsideration of Decision and Order No. 19950. WMTB has not met its burden of showing that the commission's decision is unreasonable, unlawful, or erroneous. See HRS § 271-32 and HAR § 6-61-137. Accordingly, the commission will deny WMTB's motion for reconsideration.

III.

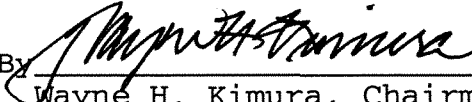
THE COMMISSION ORDERS:

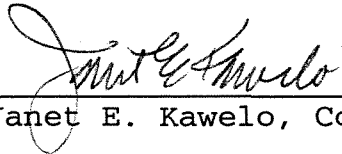
1. WMTB's motion for reconsideration, filed on January 21, 2003, is denied.
2. This docket is closed.

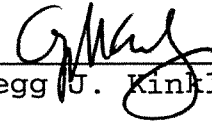
¹In its Exhibit I attached to the motion, WMTB submits its responses to the commission's five concerns.

DONE at Honolulu, Hawaii this 5th day of February,
2003.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By 
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

02-0362.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20007 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

WESTERN MOTOR TARIFF BUREAU, INC.
P. O. Box 30268
Honolulu, HI 96820



Karen Higashi

DATED: February 5, 2003