BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

ROBERT'S TOURS &
TRANSPORTATION, INC.,
a corporation,
Complainant,

vs.

E NOA CORPORATION,
a corporation,
Respondent.

DOCKET NO. 98-0380

ORDER NO. 20020

Filed Feb. 12, 2003
At 10:30 o'clock A.M.

Chief Clerk of the Commission

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

By Decision and Order No. 19913, filed on December 18, 2002, (D&O No. 19913), the commission dismissed, with prejudice, five counts of a six-count formal complaint (dismissed complaints) filed on November 12, 1998 by ROBERT’S TOURS & TRANSPORTATION, INC., (Movant), against E NOA CORPORATION (E Noa). Also in D&O No. 19913, the commission found E Noa to be in violation of one of the six counts made against it by Movant.¹

On December 30, 2002, Movant filed a timely motion for reconsideration of D&O No. 19913, regarding the dismissed complaints, pursuant to Hawaii Administrative Rules (HAR) § 6-61-137. On January 9, 2003, E Noa filed a timely memorandum in

¹No civil penalty was assessed against E Noa for this violation.
opposition to Movant’s motion for reconsideration and a request for leave to reply to such motion, pursuant to HAR §§ 6-61-41 and -140.

II.

The standard for granting a motion for reconsideration is established in HAR § 6-61-137, which provides that the movant must set forth specific grounds on which the movant considers the decision or order to be unreasonable, unlawful, or erroneous. We apply this standard to Movant’s motion for reconsideration.

In seeking reconsideration, Movant states that: (1) it disagrees with the commission’s determination in D&O No. 19913 of E Noa’s motor carrier authority; (2) the commission has not been proactive in enforcing E Noa’s alleged violations as put forth by Movant; and (3) the commission erred in dismissing Movant’s complaints against E Noa.

Upon careful consideration, the commission finds nothing in Movant’s motion that merits reconsideration or reversal of D&O No. 19913. Movant has not met its burden of showing that the commission’s decision is unreasonable, unlawful, or erroneous. Rather, Movant has presented the commission with a motion for reconsideration that is either a repeat of old arguments, or an attempt to introduce new issues into this matter. We, thus, conclude that the motion for reconsideration should be denied.
III.

THE COMMISSION ORDERS:

1. Movant's motion for reconsideration of D&O No. 19913, filed on December 30, 2002, is denied.

2. E Noa's request for leave to reply to Movant's motion for reconsideration of D&O No. 19913 is granted.

DONE at Honolulu, Hawaii this 12th day of February, 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:

Benedyne S. Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20020 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Karen Higashi

DATED: February 12, 2003