BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

------- In the Matter of -------

TRI-CITY TRAVEL, INC.

DOCKET NO. 02-0301

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.

ORDER NO. 20075

Filed March 12, 2003
At 1:00 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.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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.

ORDER

I.

By Decision and Order No. 19892, filed on December 17, 2002, the commission revoked certificate of public convenience and necessity (CPCN) number 4841-C held by TRI-CITY TRAVEL, INC. (Movant), for failure to pay a penalty of $250.33 that the commission assessed, pursuant to Hawaii Revised Statutes (HRS) § 271-27(i) and Hawaii Administrative Rules (HAR) § 6-62-42, for Respondent’s untimely filing of an annual financial report and payment of an annual motor carrier gross revenue fee.

On January 30, 2003, Movant filed a letter requesting that the commission reconsider the revocation of its CPCN. The commission will treat Movant’s letter as a motion for reconsideration of Decision and Order No. 19892.
II.

The filing of Movant's Motion for Reconsideration is governed by HRS § 271-32(b) and HAR § 6-61-137. These sections require, among other things, that a motion seeking any change in a commission's decision, order, or requirement be filed within 10 days after the decision or order is served upon the party.

Decision and Order No. 19892 was properly served on Movant, by certified mail, on December 17, 2002. As a result, the last permissible day for proper filing of Movant's Motion for Reconsideration was December 30, 2002. Movant's Motion for Reconsideration was filed on January 30, 2002, one month late. Thus, we find Movant's Motion for Reconsideration to be untimely. Accordingly, since Movant failed to timely adhere to the filing requirements of HRS § 271-32(b) and HAR § 6-61-137, we conclude that Movant's Motion for Reconsideration should be dismissed as moot.

III.

THE COMMISSION ORDERS that Movant's Motion for Reconsideration, filed on January 30, 2003, is dismissed as moot.

---

1See HAR §§ 6-61-21 and 6-61-22.
DONE at Honolulu, Hawaii this 12th day of March, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By
Wayne H. Kimura, Chairman

Janet E. Kawelo, Commissioner

By (RECUSED)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20075 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

TRI-CITY TRAVEL, INC.
155 Paokalani Avenue, #301
Honolulu, HI 96815

ROY M. KODANI, ESQ.
Pauahi Tower, Suite 888
1001 Bishop Street
Honolulu, HI 96813

DATED:  March 12, 2003

Karen Higashi