BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of
SEA TURTLE, LLC
For a Motor Carrier Certificate or Permit.

DOCKET NO. 02-0243

ORDER NO. 20221

Filed June 2, 2003
At 2:00 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
I.

By Order No. 20179, filed on May 9, 2003 (Order No. 20179), the commission voided Decision and Order No. 19930, filed on December 23, 2002 (Decision and Order No. 19930). Decision and Order No. 19930 granted the application of SEA TURTLE, LLC (Movant), for a certificate of public convenience and necessity to operate as a motor carrier of passengers in the 8-to-25 passenger classification on the island of Kauai.

By letter filed on May 29, 2003, Movant requested that the commission reconsider the voiding of Decision and Order No. 19930. The commission will treat Movant's letter as a motion for reconsideration of Order No. 20179.

II.

The filing of Movant's motion for reconsideration is governed by Hawaii Revised Statutes (HRS) § 271-32(b) and Hawaii Administrative Rules (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.

Order No. 20179 was properly served upon Movant, by United States mail, on May 9, 2003. As a result, the last permissible day for timely filing Movant’s motion for reconsideration was May 21, 2003. Movant’s motion for reconsideration was filed on May 29, 2003. Accordingly, we find Movant’s motion for reconsideration to be untimely. Thus, since Movant failed to timely file its motion for reconsideration pursuant to 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 May 29, 2003, is dismissed as moot.

See HAR §§ 6-61-21 and 6-61-22.
DONE at Honolulu, Hawaii this 2nd day of June, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito F. Caliboso, Chairman

By Wayne H. Kimura, Commissioner

By Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Commission Counsel

02-0243
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20221 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

SEA TURTLE LLC
c/o JAMES KAPERNEKAS
P. O. Box 1970
Kapaa, HI  96746

DATED: June 2, 2003

Karen Higashi