BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
MARINE CLUB COMPANY, LLC

For a Motor Carrier Certificate or Permit.

DOCKET NO. 03-0270

ORDER NO. 20721

Filed Dec. 19, 2003
At 2:00 o'clock P.M.

Chief Clerk of the Commission
I. Motion to Intervene

On September 26, 2003, MARINE CLUB COMPANY, LLC ("Applicant") filed an application with the commission for a certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification.

On September 29, 2003, the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, filed its statement of position with the commission informing the commission that it will not participate in the instant docket.

On November 26, 2003, a motion to intervene in the instant docket ("Motion to Intervene") was filed by Jack’s Tours, Inc. ("Jack’s Tours").
II.

Discussion

Pursuant to Hawaii Administrative Rules ("HAR") § 6-61-57(2), the deadline for intervention is not later than 20 days after a notice of pending application has been published in a newspaper of general circulation within the State of Hawaii, or within the county or counties affected by the application.

Notice of Applicant’s pending application was published in the Hilo Tribune Herald on November 4, 2003. Pursuant to HAR § 6-61-57(2), the last day for intervention was November 24, 2003. Notwithstanding that Jack’s Tours may have relied on the incorrect date of November 25, 2003 as the last day for filing any motions to intervene, its filing of its Motion to Intervene with the commission on November 26, 2003 was still untimely. We, thus, find that Jack’s Tours’ Motion to Intervene is untimely, and accordingly conclude that its Motion to Intervene should be denied.

III.

Order

THE COMMISSION ORDERS that Jack’s Tours’ Motion to Intervene, filed on November 26, 2003, is denied.

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1The Notice to Interested Persons published in the Hawaii Tribune Herald inadvertently referenced the 20th day after publication, and thus, the deadline for motions to intervene, as being November 25, 2003. The date should have read November 24, 2003. Nonetheless, Jack’s Tours’ Motion to Intervene was not filed with the commission until November 26, 2003.
DONE at Honolulu, Hawaii this 19th day of December, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By Wayne H. Kimura, Commissioner

By Janet E. Kawelo, 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. 20721 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

MARINE CLUB COMPANY, LLC
75-5744 Alii Drive, Suite 231
Kailua-Kona, HI    96740

ROBERT D. TRIANTOS, ESQ.
CARLSMITH BALL LLP
P. O. Box 1720
Kailua-Kona, HI    96745

JACK’S TOURS, INC.
ATTENTION: ALISA MIYAKE
737 Kanoelehua Avenue
Hilo, HI    96720

Karen Higashi

DATED: December 19, 2003