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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

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

2003 DEC 22 A 11:18

RECEIVED

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

Karen Higashi  
Chief Clerk of the Commission

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OF THE STATE OF HAWAII

In the Matter of the Application of)  
MARINE CLUB COMPANY, LLC )  
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Docket No. 03-0270

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ORDER

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.<sup>1</sup> 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

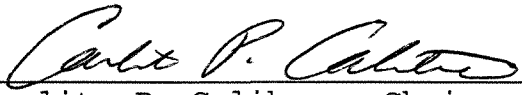
THE COMMISSION ORDERS that Jack's Tours' Motion to Intervene, filed on November 26, 2003, is denied.

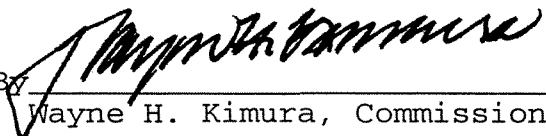
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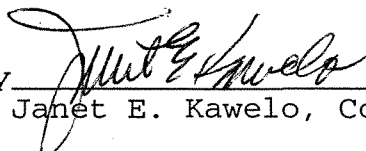
<sup>1</sup>The Notice to Interested Persons published in the Hawaii Tribune Herald inadvertently referenced the 20<sup>th</sup> day after publication, and thus, the deadline for motions to intervene, as being November 25, 2003. The date should have read November 24, 2003. Nonetheless, Jack's Tours' Motion to Intervene was not filed with the commission until November 26, 2003.

DONE at Honolulu, Hawaii this 19th day of December,  
2003.

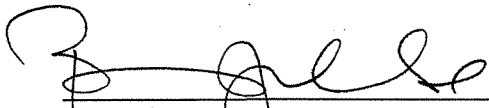
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

03-0270.cs

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  
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Honolulu, HI 96809

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Kailua-Kona, HI 96745

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

  
\_\_\_\_\_  
Karen Higashi

DATED: December 19, 2003