

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
NATURAL ISLANDS HAWAII CORPORATION )  
For a Motor Carrier Certificate )  
or Permit. )  
\_\_\_\_\_ )

DOCKET NO. 03-0092

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2004 FEB 19 P 3:55

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

ORDER NO. 20805

Filed Feb. 19, 2004  
At 9:30 o'clock A.M.

Karen Digest  
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
NATURAL ISLANDS HAWAII CORPORATION )  
For a Motor Carrier Certificate )  
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Docket No. 03-0092

Order No. 20805

ORDER

I.

Motions for Reconsideration and Enlargement of Time

By Order No. 20736, filed on January 6, 2004, the commission voided Decision and Order No. 20309<sup>1</sup>, which approved the application of NATURAL ISLANDS HAWAII CORPORATION ("Movant") for a certificate of public convenience and necessity ("CPCN") to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu, in the 8-to-25 passenger classification.<sup>2</sup>

On January 26, 2004, Movant filed a request for the commission to reconsider Order No. 20736 ("Motion for Reconsideration") and a motion for the enlargement of time by which to file the Motion for Reconsideration ("Motion to Enlarge Time").

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<sup>1</sup>Decision and Order No. 20309 was filed on July 8, 2003 in this docket.

<sup>2</sup>Decision and Order No. 20309 was voided for Movant's failure to provide the commission with all the documents required for common carriers.

II.

Motion for Reconsideration

Hawaii Revised Statutes ("HRS") § 271-32 provides, in relevant part, that a motion for reconsideration "shall be filed ten days after the decision and order has been served . . .". Because Order No. 20736 was served by mail, Hawaii Administrative Rules ("HAR") § 6-61-21(e) gave Movant two additional days to move for reconsideration, for a total twelve-day period extending until January 18, 2004. Movant filed its Motion for Reconsideration on January 26, 2004, 20 days after the commission filed Order No. 20736. As such, pursuant to HRS § 271-32, Movant's Motion for Reconsideration was untimely, and accordingly, we find that the commission is precluded from assuming jurisdiction over this matter, pursuant to HRS §§ 271-32 and 271-33 and HAR § 6-61-23(a)(2). We, thus, conclude that the Motion for Reconsideration should be dismissed as untimely. Consequently, based upon the above we must also deny Movant's Motion to Enlarge Time.

III.

Orders


THE COMMISSION ORDERS:

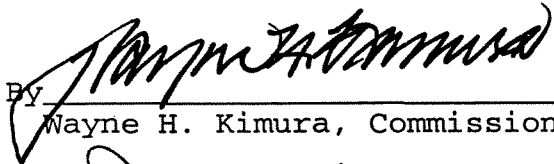
1. Movant's Motion to Enlarge Time, filed on January 26, 2004, is denied.
2. Movant's Motion for Reconsideration of Order No. 20736, filed on January 26, 2004, is dismissed.

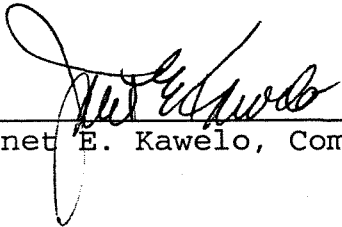
DONE at Honolulu, Hawaii this 19th day of February,

2004.


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

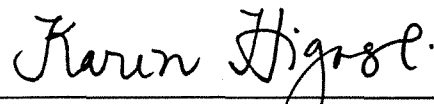
03-0092.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20805 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

NATURAL ISLANDS HAWAII CORPORATION  
c/o HITOSHI OKADA, CPA  
707 Richards Street, Suite 520  
Honolulu, HI 96813

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

DATED: February 19, 2004