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

ORDER NO. 20805

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

Karen Diggs
Chief Clerk of the Commission
In the Matter of the Application of)
NATURAL ISLANDS HAWAII CORPORATION ) Docket No. 03-0092
For a Motor Carrier Certificate ) Order No. 20805
or Permit. )

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. 20309¹, which approved the application of NATURAL ISLANDS HAWAI'I CORPORATION ("Movant") for a certificate of public convenience and necessity ("CP CN") 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.²

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").

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

²Decision 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

DATED: February 19, 2004

Karen Higashi