

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
IVAR F. KAIPO, dba )  
LEHUA WATER DELIVERY SERVICE )  
 )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 04-0100

ORDER NO. 21335

Filed Sept. 3, 2004  
At 2:30 o'clock P.M.

Karen Higashi.  
Chief Clerk of the Commission

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

2004 SEP -7 A 8:38

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ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi.

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OF THE STATE OF HAWAII

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Docket No. 04-0100  
Order No. **21335**

ORDER

I.

Motion for Reconsideration

On August 6, 2004, the commission, by Order No. 21225, denied A.C. Young Enterprises' ("Movant") motion to intervene ("Motion to Intervene") in the instant docket.

On August 16, 2004, Movant timely filed a motion to reconsider Order No. 21225, pursuant to Hawaii Administrative Rules ("HAR") 6-61-137 ("Motion for Reconsideration") and further requested a hearing on the Motion for Reconsideration. By this order, we address both Movant's Motion for Reconsideration and its request for a hearing on the Motion for Reconsideration.

II.

Request for a Hearing on the Motion for Reconsideration

Pursuant to HAR § 6-61-142, "[o]ral argument on a motion for reconsideration . . . shall not be allowed" unless the request for oral argument comes from the commission or a commissioner who concurred in the decision. Because the request for oral argument

on the Motion for Reconsideration was made by Movant, rather than the commission or a commissioner who concurred in the decision, we find Movant's request for a hearing on the Motion for Reconsideration to be inappropriate. Accordingly, the commission concludes that Movant's request for a hearing on the Motion for Reconsideration should be denied.

### III.

#### Motion for Reconsideration

The standard for granting a motion for reconsideration is set forth in HAR § 6-61-137 which provides, in relevant part, that a motion for reconsideration must set forth the reasons which the movant considers a decision or order unreasonable, unlawful, or erroneous.

Upon review of the Motion for Reconsideration, the commission finds that much of Movant's assertions are merely a recitation of the arguments already presented in its Motion to Intervene, and Movant fails to set forth specifically the grounds on which Movant considers Order No. 21225 unreasonable, unlawful, or erroneous, in accordance with HAR § 6-61-137. Based on the foregoing, we conclude that Movant's Motion for Reconsideration should be denied.

IV.


Orders


THE COMMISSION ORDERS:

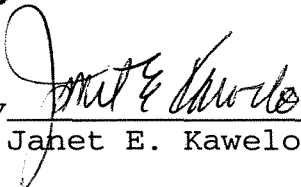
1. Movant's request for a hearing on its Motion for Reconsideration, filed on August 16, 2004, is denied.
2. Movant's Motion for Reconsideration of Order No. 21225, filed on August 16, 2004, is denied.

DONE at Honolulu, Hawaii SEP 03 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

04-0100.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21335 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

IVAR F. KAIPO, dba  
LEHUA WATER DELIVERY SERVICE  
P. O. Box 7063, PMB #438  
Oceanview, HI 96737

A.C. YOUNG ENTERPRISES  
P. O. Box 92  
Naalehu, HI 96772

SANDRA-ANN Y.H. WONG, ESQ.  
1050 Bishop Street, #514  
Honolulu, HI 96813

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

DATED: SEP 03 2004