BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

IVAR F. KAPO, dba
LEHUA WATER DELIVERY SERVICE

DOCKET NO. 04-0100

For a Motor Carrier Certificate or)
Permit.

ORDER NO. 21335

Filed ______________, 2004
At ___ o'clock ___ P.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

IVAR F. KAIP0, dba
LEHUA WATER DELIVERY SERVICE

For a Motor Carrier Certificate or
Permit.

Docket No. 04-0100

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

Wayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Commission Counsel

04-0100
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.

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DATED: SEP 03 2004

Karen Higashi