BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

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In the Matter of the Application of)

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SIDNEY J. MELLEN, dba ISLAND SHUTTLE AND TOUR CO.

DOCKET NO. 04-0148

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For a Motor Carrier Certificate or) Permit.

<u>ORDER NO.</u> 21543



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CEIVED

Filed Jan. 14 , 2005 IZ o'clock P .M. At _

Chief Clerk of the Commission

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

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)) SIDNEY J. MELLEN, dba) ISLAND SHUTTLE AND TOUR CO.)

For a Motor Carrier Certificate or) Permit.) Docket No. 04-0148 Order No. 21543

ORDER

On August 17, 2004, in Decision and Order No. 21309, the commission approved the application of SIDNEY J. MELLEN, dba ISLAND SHUTTLE AND TOUR CO. ("Applicant"), 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 Kauai in the 8-to-25 passenger classification, limited to providing transportation services between Poipu and the Lihue Airport, and within the Koloa-Poipu resort and shopping areas. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within one hundred and twenty (120) days of the issuance of the decision and order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to void the decision and order. We served Applicant with a copy of the decision and order by mail, postage prepaid, on the same day that the decision and order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122. Additionally,

we sent a letter to Applicant, dated August 17, 2004, which reiterated the commission's requirements and specified December 17, 2004, as the deadline for compliance.

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth under Decision and Order No. 21309. The commission, thus, determines that Decision and Order No. 21309 should be voided.

THE COMMISSION ORDERS that Decision and Order No. 21309 is voided and this docket is closed.

DONE at Honolulu, Hawaii _____ JAN 1 4 2005

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Bv

Carlito P. Caliboso, Chairman

Commissioner Kimura, Wavne

By_ MM EMpelo

Kawelo, Commissioner Jan/e/t Ε.

APPROVED AS TO FORM:

Benedyne 5. Stone Commission Counsel 04-0148.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing $\underline{\text{Order No. } 21543}$ 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

SIDNEY J. MELLEN, dba ISLAND SHUTTLE AND TOUR CO. 2143A Kelikoli Street Lihue, HI 96766

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LORNA A. NISHIMITSU, ESQ. LAW OFFICES OF WALTON D.Y. HONG 3135 Akahi Street, Suite A Lihue, HI 96766-1106

Karen Higashi

DATED: JAN 1 4 2005