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

Filed Jan. 14, 2005
At 12 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
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 14 2005

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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing 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
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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
Karen Higashi

DATED:  JAN 14 2005