

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
NAPALI KAYAK, INC. )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 04-0102

ORDER NO. 21790

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

2005 MAY -3 A 8:02

RECEIVED

Filed May 2, 2005  
At 11 o'clock A .M.

Karen Higashi.  
Chief Clerk of the Commission

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

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
NAPALI KAYAK, INC. )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

Docket No. 04-0102  
Order No. 21790

ORDER

By this Order, the commission orders that Decision and Order No. 21305 is voided and this docket is closed.

I.

Application for Common Carrier Authority

On August 17, 2004, in Decision and Order No. 21305, the commission approved the application of NAPALI KAYAK, INC. ("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 in conjunction with its kayak tours. 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.

II.

Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in Decision and Order No. 21305. The commission, thus, determines that Decision and Order No. 21305 should be voided.

III.


Orders

THE COMMISSION ORDERS that Decision and Order No. 21305 is voided and this docket is closed.

DONE at Honolulu, Hawaii           MAY - 2 2005          .

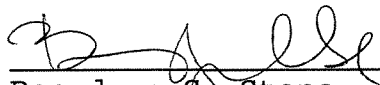
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

04-0102.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21790 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

NAPALI KAYAK, INC.  
P. O. Box 1730  
Hanalei, HI 96714

RICHARD B. CUATTO  
ATTORNEY AT LAW  
4568 Kukui Street  
Kapaa, HI 96746

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

DATED: MAY - 2 2005