# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

EDGAR E. UNDERWOOD, dba ELITE PRIVATE ISLAND TOURS

For a Motor Carrier Certificate or Permit.

DOCKET NO. 04-0321

ORDER NO. 21983

Filed August 10, 2005
At \_\_\_\_ 2 o'clock \_P .M.

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

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In the Matter of the Application of)

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For a Motor Carrier Certificate or )
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Docket No. 04-0321

Order No. 21983

#### ORDER

By this Order, the commission orders that Decision and Order No. 21663 is voided and this docket is closed.

I.

### Application for Common Carrier Authority

On March 1, 2005, in Decision and Order No. 21663, the commission approved the application of EDGAR E. UNDERWOOD, dba ELITE PRIVATE ISLAND TOURS ("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 of Hawaii, excluding Waipio Valley, in the island 1-to-7 passenger classification. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with commission requirements for common carriers, all 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 Decision and Order was issued. in accordance the Hawaii Administrative Rules SS 6-61-21 and 6-61-122. Additionally, we sent a letter to Applicant, dated March 1, 2005, which reiterated the commission's requirements and specified July 1, 2005, 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. 21663. The commission, thus, determines that Decision and Order No. 21663 should be voided.

III.

#### <u>Orders</u>

THE COMMISSION ORDERS that Decision and Order No. 21663 is voided and this docket is closed unless otherwise ordered by the commission.

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DONE at Honolulu, Hawaii \_\_\_\_\_AUG 1 0 2005 \_\_\_\_.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

04-0321.rpr

#### CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21983 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

EDGAR E. UNDERWOOD, dba ELITE PRIVATE ISLAND TOURS P. O. Box 7063, PMB107 Ocean View, HI 96737

Karen Higgshi

DATED: AUG 1 1 2005