

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MOUNTAIN MOVERS, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 04-0088

ORDER NO. 22079

Filed Oct. 21, 2005
At 11:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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2005 OCT 25 A 8:33
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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)
MOUNTAIN MOVERS, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No. 04-0088
Order No. 22079

ORDER

By this Order, the commission dismisses as untimely the motion for reconsideration filed by Mountain Movers, Inc. ("Movant") on August 30, 2005.

I.

Motion For Reconsideration

By Order No. 21980, filed on August 10, 2005, the commission voided Decision and Order No. 21407, filed on October 8, 2004, for Movant's failure to comply with the requirements set forth in Decision and Order No. 21407. Decision and Order No. 21407 granted Movant a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the household goods classification, subject to certain conditions.¹

¹Order No. 21407, ordered Movant to comply with certain requirements within one hundred and twenty (120) days of October 8, 2004. Movant did not comply with the requirements set forth in Order No. 21407 within the required time period.

On August 30, 2005, Movant filed a letter with the commission asking for an extension of time to comply with the requirements set forth in Decision and Order No. 21407. Because it appears that Movant's intention by the August 30, 2005 letter is to have the commission reconsider Order No. 21980, we will treat Movant's August 30, 2005 letter as a motion for reconsideration of Order No. 21980 ("Motion for Reconsideration").

II.

Discussion

The filing of Movant's Motion for Reconsideration is governed by Hawaii Revised Statutes ("HRS") § 271-32(b) and Hawaii Administrative Rules ("HAR") § 6-61-137. These sections require, among other things, that a motion seeking any change in a commission's decision, order, or requirement, be filed within ten (10) days after a decision or order has been served upon a party.

Order No. 21980 was properly served upon Movant, by United States mail, postage prepaid and properly addressed, on August 11, 2005. The last permissible day for timely filing Movant's Motion for Reconsideration was August 24, 2005.² Movant's Motion for Reconsideration was filed on August 30, 2005. We find Movant's Motion for Reconsideration to be untimely. Accordingly, since Movant has failed to timely file its Motion for Reconsideration pursuant to HRS § 271-32(b) and

²See HAR §§ 6-61-137, 6-61-21 and 6-61-22.

HAR § 6-61-137, we conclude that Movant's Motion for Reconsideration should be dismissed.


III.

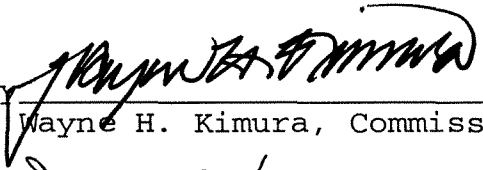
Orders

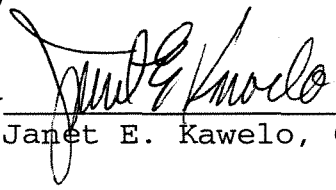
THE COMMISSION ORDERS that Movant's Motion for Reconsideration, filed on August 30, 2005, is dismissed.

DONE at Honolulu, Hawaii OCT 21 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

04-0088.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22079 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

MOUNTAIN MOVERS, INC.
P. O. Box 330957
Kahului, HI 96733



Karen Higashi

DATED: OCT 21 2005