BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)

ALAN S. WEATHERFORD, dba )
TROPICAL FANTASY )

To Place Operating Authority on)
Inactive Status. )

DOCKET NO. 04-0126

ORDER NO. 22819

Filed Sept. 5, 2006
At 1 o'clock P.M.

Karen Higashl
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
BEFORE THE PUBLIC UTILITIES COMMISSION
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In the Matter of the Request of
ALAN S. WEATHERFORD, dba TROPICAL FANTASY

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Inactive Status.

Docket No. 04-0126
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ORDER

By this Order, the commission dismisses as untimely the motion for reconsideration filed by ALAN S. WEATHERFORD, dba TROPICAL FANTASY ("Movant"), on August 10, 2006.

I.
Motion for Reconsideration

By Order No. 21098, filed on June 29, 2004, Movant’s certificate of public convenience and necessity number 1682-C ("Certificate No. 1682-C") was placed on inactive status until June 29, 2005. Order No. 21098 informed Movant that if Certificate No. 1682-C was not reactivated prior to the expiration of the period of inactivity, i.e., prior to June 29, 2005, the commission would deem it to be abandoned and revoked. Certificate No. 1682-C was not reactivated prior to June 29, 2005. Accordingly, the commission revoked Certificate No. 1682-C by Order No. 21962, filed on August 5, 2005.

On August 10, 2006, Movant filed a letter requesting that the commission vacate Order No. 21962. Movant claims that
he did not receive a copy of Order Nos. 21962 and 21098 until August 3, 2006, and, thus, was not aware of the requirement that Certificate No. 1682-C needed to be reactivated prior to June 29, 2005. Because it appears that the intent of Movant's letter of August 10, 2006 was to request that the commission reconsider Order No. 21960, we will treat Movant's August 10, 2006 letter as a motion for reconsideration of Order No. 21962 ("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. 21962 was properly served upon Movant on August 5, 2005, by United States mail, postage prepaid, and addressed to the last known address of the Movant on file with the commission, pursuant to HAR § 6-61-21(d)(3). The last permissible day for timely filing of Movant's Motion for Reconsideration was August 17, 2005. Movant's Motion for Reconsideration was filed on August 10, 2006. We find Movant's Motion for Reconsideration to be untimely. Accordingly, since

\[\text{See HAR §§ 6-61-137, 6-61-21, and 6-61-22.}\]
Movant failed to timely file his Motion for Reconsideration pursuant to HRS § 271-32(b) and HAR § 6-61-137, we conclude that Movant’s Motion for Reconsideration should be dismissed.

III.

Order

THE COMMISSION ORDERS:

Movant’s Motion for Reconsideration, filed on August 10, 2006, is dismissed as untimely.

DONE at Honolulu, Hawaii SEP - 5 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22819 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

ALAN S. WEATHERFORD, dba
TROPICAL FANTASY
49-074 Kamehameha Highway, Box #5
Kaneohe, HI 96744

DATED: SEP - 5 2006

Karen Higashi