

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KEN'S TOWING SERVICE, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 05-0184

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

2006 SEP 14 A 9:09

RECEIVED

ORDER NO. 22848

Filed September 13, 2006
At 11 o'clock A.M.

Burley K. Kane
for Chief Clerk of the Commission

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KEN'S TOWING SERVICE, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No. 05-0184
Order No. 22848

ORDER

By this Order, the commission vacates Order No. 22646, filed on July 25, 2006, and reinstates Decision and Order No. 22112, in the matter of KEN'S TOWING SERVICE, INC. ("Petitioner").

I.

Background

On July 26, 2005, Petitioner filed an application requesting 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 Hawaii in the specific commodities (machinery, equipment, and automobiles) classification. By Decision and Order No. 22112, filed on November 9, 2005, the commission granted Petitioner's request, upon condition that Petitioner file certain required documents with the commission. By Order No. 22646, filed on July 25, 2006, the commission vacated Decision and Order No. 22112 for

Petitioner's failure to comply with the commission's requirements set forth in Decision and Order No. 22112.

On August 4, 2006, Petitioner filed a timely motion for reconsideration of Order No. 22646, stating that it had "utilized a third party to help with my application process and believe that the necessary documents were lost." On August 4, 2006, September 5, 2006, and September 11, 2006, Petitioner filed the requisite documents requested by Decision and Order No. 22112.

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the requirements set forth in Decision and Order No. 22112, and, thus, finds good cause in this particular instance to reconsider and set aside Order No. 22646.

III.

Orders

THE COMMISSION ORDERS:

1. Order No. 22646, filed on July 25, 2006, is vacated.
2. Decision and Order No. 22112 is reinstated.

DONE at Honolulu, Hawaii SEP 13 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel


05-0184.en

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22848 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

KEN'S TOWING SERVICE, INC.
c/o KEN ANTONIO, SR.
55 Kukila Street
Hilo, HI 96720



for Karen Higashi

DATED: SEP 13 2006