

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----)  
)  
MARTIN TRANSPORTATION, INC., fka )  
MARTIN WAREHOUSING & )  
DISTRIBUTION, INC. )  
)  
Notice of Failure to Comply )  
With Hawaii Revised Statutes )  
and Commission's Regulations; )  
Order to Show Cause Why )  
Respondent's Operating )  
Authority Should Not Be )  
Suspended or Revoked. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0202

ORDER NO. 23201

Filed Jan. 17, 2007  
At 12 o'clock P.M.

Karen Higson  
Chief Clerk of the Commission

RECEIVED

2007 JAN 18 A 8:21

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----)  
 )  
 MARTIN TRANSPORTATION, INC., fka )  
 MARTIN WAREHOUSING & )  
 DISTRIBUTION, INC. )  
 )  
 Notice of Failure to Comply )  
 With Hawaii Revised Statutes )  
 and Commission's Regulations; )  
 Order to Show Cause Why )  
 Respondent's Operating )  
 Authority Should Not Be )  
 Suspended or Revoked. )  
 \_\_\_\_\_ )

Docket No. 2006-0202  
Order No. 23201

ORDER

By this Order, the commission dismisses as untimely the motion for reconsideration filed by MARTIN TRANSPORTATION, INC., fka MARTIN WAREHOUSING & DISTRIBUTION, INC. ("Movant"), on December 11, 2006.

I.

Background

By Order No. 22713, filed on August 8, 2006, the commission ordered Movant to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on September 27, 2006, to show cause why Movant's Certificate No. 16-C should not be suspended or revoked for failure to file an annual financial report ("AFR") and pay an annual motor carrier gross revenue fee ("Fee") for the year 2005, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules

("HAR") §§ 6-62-42(a), 6-62-24(a). As Movant failed to appear at the hearing, the commission revoked Movant's Certificate No. 16-C by Decision and Order No. 22977, filed on October 25, 2006.

On December 11, 2006, Movant filed its AFR and paid its Fee for the year 2005, and filed a letter requesting that the commission rescind its revocation order and reinstate Movant's permit. In its letter, Movant states, among other things: (1) that it wound down its operations in 2005 and ceased operations in May, 2005; (2) in the course of that action, much of Movant's mail and accounting failed to get passed on to company ownership located in Seattle, Washington; (3) that among the items missed were Movant's 2005 PUC report and notices to appear. The commission will treat Movant's letter as a motion for reconsideration of Decision and Order No. 22977. On December 14, 2006, the commission sent Movant a Bill for Collection for the penalties and interest owed due to the late filing of Movant's 2005 AFR and Fee, pursuant to HRS § 271-27(i) and HAR §§ 6-62-24(b)(c) and 6-62-42(d).

## II.

### Discussion

The filing of Movant's motion for reconsideration is governed by HRS § 271-32(b) and 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. HAR § 6-61-21(e) allows an additional two days when service is effected by mail.

Decision and Order No. 22977 was properly served upon Movant on October 25, 2006, by United States mail, postage prepaid, and addressed to the last known address of Movant on file with the commission, pursuant to HAR § 6-61-21(d)(3). The last permissible day for timely filing Movant's motion for reconsideration was November 6, 2006. Movant's motion for reconsideration was filed on December 11, 2006. Thus, we find Movant's motion for reconsideration to be untimely. Accordingly, since Movant failed to timely file its 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.

#### Orders

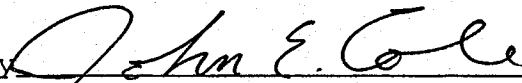
##### THE COMMISSION ORDERS:

Movant's motion for reconsideration, filed on December 11, 2006, is dismissed as untimely.

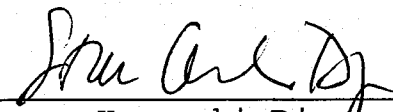
DONE at Honolulu, Hawaii JAN 17 2007.

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

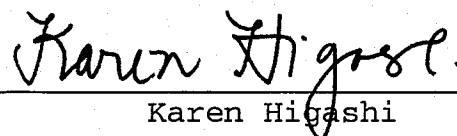
2006-0202.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23201 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

MARTIN TRANSPORTATION, INC.  
fka MARTIN WAREHOUSING & DISTRIBUTION, INC.  
1102 Post Avenue  
Seattle, WA 98101

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

DATED: JAN 17 2007