

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HAWAIIAN ROLL OFF SERVICES LLC, dba)
SOUTH KONA HAULING COMPANY)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 05-0320

ORDER NO. 23305

Filed March 15, 2007
At 1 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

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

2007 MAR 16 A 8:55

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

Karen Higashi

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In the Matter of the Application of)
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SOUTH KONA HAULING COMPANY)
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For a Motor Carrier Certificate or)
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_____)

Docket No. 05-0320
Order No. 23305

ORDER

By this Order, the commission denies the motion for reconsideration of Order No. 23219 filed by HAWAIIAN ROLL OFF SERVICES LLC, dba SOUTH KONA HAULING COMPANY ("Movant"), on February 6, 2007.

I.

Background

By application filed on December 15, 2005, and amended on March 1, 2006, Movant requested a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle in the general commodities and dump truck classifications over irregular routes on the island of Hawaii, limited to serving the areas of North and South Kona. By Decision and Order No. 22796, filed on August 24, 2006, the commission granted Movant's request, upon condition that Movant file certain required documents with the commission. By Order No. 23219, filed on January 26, 2007, the commission vacated Decision and Order No. 22796 for Movant's failure to

comply with the commission's requirements set forth in Decision and Order No. 22796.

On February 6, 2007, Movant filed a timely motion for reconsideration of Order No. 23219, stating that it had thought that the compliance process had been completed and that the requisite documents had been sent to our office.

II.

Discussion

The standard for granting a motion for reconsideration is set forth in Hawaii Administrative Rules § 6-61-137, which provides, in relevant part, that a motion for reconsideration must specifically set forth the grounds on which movant considers the decision or order unreasonable, unlawful, or erroneous.

Upon review, the commission finds nothing in Movant's motion for reconsideration that merits either reconsideration, or a reversal of Order No. 23219. The commission finds that one hundred and twenty (120) days is a reasonable and sufficient amount of time to file the requisite compliance documents, and, thus, concludes that Movant's motion for reconsideration should be denied.

III.

Orders

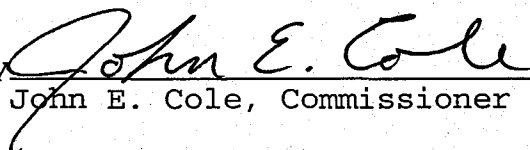
THE COMMISSION ORDERS:

Movant's motion for reconsideration of Order No. 23219 is denied.

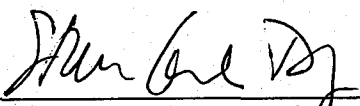
DONE at Honolulu, Hawaii MAR 15 2007.

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

05-0320.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23305 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

HAWAIIAN ROLL OFF SERVICES, LLC,
dba SOUTH KONA HAULING COMPANY
89-2296 Mamalahoa Highway
Captain Cook, HI 96704



Karen Higashi

DATED: MAR 15 2007