

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

DOCKET NO. 2006-0353

ORDER NO. 23577

Filed August 2, 2007
At 11 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED

2007 AUG -3 A 8:06

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)
OCEAN SAFARIS, INC.)
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Permit.)
_____)

Docket No. 2006-0353
Order No. 23577

ORDER

By this Order, the commission denies the motion for reconsideration of Order No. 23487 filed by OCEAN SAFARIS, INC. ("Movant") on June 18, 2007.

I.

Background

By application filed on August 28, 2006, Movant requested 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, excluding Waipio Valley, in the 8-to-25 passenger classification. By Decision and Order No. 23132, filed on December 13, 2006, the commission granted Movant's request, upon condition that Movant file certain required documents with the commission. By Order No. 23487, filed on June 13, 2007, the commission vacated Decision and Order No. 23132 for Movant's failure to comply with the commission's requirements set forth in Decision and Order No. 23132. Movant failed to file a tariff and pay the

outstanding fine for Citation No. 0984 in the amount of \$1,000.00 in accordance with Ordering Paragraphs Nos. 2 and 3.

On June 18, 2007, Movant filed a letter stating that it had complied with the requirements and requested that the commission waive the requirement regarding payment of the fine for Citation No. 0984 as the commission lacked jurisdiction. The commission will treat Movant's letter as a motion for reconsideration of Decision and Order No. 23487.

II.

Discussion

The standard for granting a motion for reconsideration is set forth in Hawaii Administrative Rules ("HAR") § 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. 23487. Movant did not comply with the all the requirements as claimed, as Movant did not file a tariff as required by Ordering Paragraph No. 2 of Decision and Order No. 23132. In addition, Movant's failure to timely request a hearing on Citation No. 0984 rendered Citation No. 0984 the final order of the commission pursuant to Hawaii Revised Statutes § 271-27(j)(3) and HAR § 6-68-21. As a final order, by law, the commission is now unable to adjudicate the merits of the citation

and, thus, cannot consider Movant's request to waive the fine. The commission, thus, concludes that Movant's motion for reconsideration should be denied.

III.


Orders

THE COMMISSION ORDERS:


Movant's motion for reconsideration of Order No. 23487 is denied.

DONE at Honolulu, Hawaii AUG - 2 2007.

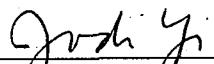
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


for Stacey Kawasaki Djou
Commission Counsel

2006-0353.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23577 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

OCEAN SAFARIS INC.
P. O. Box 515
Kailua-Kona, HI 96745



Karen Higashi

DATED: AUG - 2 2007