

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
EDWIN BILLENA)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2006-0347

DECISION AND ORDER NO. 23870

Filed Dec. 4, 2007
At 12 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED

2007 DEC -5 A 8:28

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)
EDWIN BILLENA)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No. 2006-0347
Order No. 23870

ORDER

By this Order, the commission vacates Decision and Order No. 23055 and closes this docket.

I.

Application for Common Carrier Authority

On November 22, 2006, in Decision and Order No. 23055, the commission approved the application of EDWIN BILLENA ("Applicant") for a certificate of public convenience and necessity ("certificate") to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within one hundred and twenty (120) days of the issuance of the decision and order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to vacate the Decision and Order.

We served Applicant with a copy of the Decision and Order by mail, postage prepaid, on the same day that the Decision and Order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122. Additionally, we sent a letter to Applicant, dated November 22, 2006, which reiterated the commission's requirements and specified March 22, 2007, as the deadline for compliance.

On February 27, 2007, Applicant filed a request for a sixty (60)-day extension to comply. The commission treated Applicant's request as a motion for an extension of time pursuant to HAR §§ 6-61-23 and 6-61-41. The request was approved on March 5, 2007, allowing Applicant until May 22, 2007 to comply.

On May 23, 2007, Applicant filed a request for an additional sixty (60)-day extension of time to comply. As the request was filed after the new deadline date of May 22, 2007, and since the Applicant did not demonstrate the requisite "excusable neglect" required by HAR § 6-61-23(a)(2), Applicant's request was denied.

II.

Findings and Conclusions

The extended due date of May 22, 2007 has passed, and Applicant has not complied with the requirements set forth in Decision and Order No. 23055. The commission, thus, determines that Decision and Order No. 23055 should be vacated.

III.

Orders

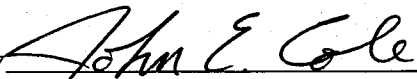
THE COMMISSION ORDERS:

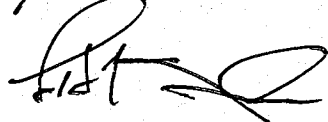
Decision and Order No. 23055 is vacated and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii DEC - 4 2007.

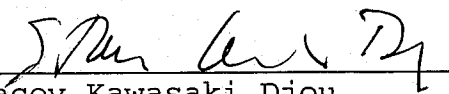
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

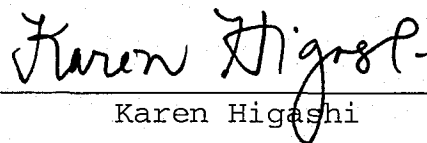
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23870 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

EDWIN T. BILLENA
94-404 KUAHUI STREET
WAIPAHAU, HI 96797



Karen Higashi

DATED: DEC - 4 2007