BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

EDWIN BILLENIA

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.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
) EDWIN BILLENA ) Docket No. 2006-0347)
For a Motor Carrier Certificate or ) Order No. 23870)
Permit.
)

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

2006-0347.1aa
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
WAIPAHU, HI 96797

DATED: DEC - 4 2007

Karen Higashi