BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of:

HANAUMA BAY SNORKELING LLC

For a Motor Carrier Certificate or Permit.

DOCKET NO. 2008-0304

ORDER VACATING THE DECISION AND ORDER FILED ON FEBRUARY 5, 2009
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HANAUMA BAY SNORKELING LLC

Docket No. 2008-0304

For a Motor Carrier Certificate or Permit.

ORDER VACATING THE DECISION AND ORDER FILED ON FEBRUARY 5, 2009

By this Order, the commission vacates the Decision and Order filed on February 5, 2009, and closes this docket.

I.

Application for Common Carrier Authority

By Decision and Order filed on February 5, 2009, the commission approved the application of HANAUMA BAY SNORKELING LLC ("Applicant") for a certificate of public convenience and necessity 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, limited to providing transportation services between Waikiki Hotels and Hanauma Bay State Park. 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.

II. Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in the Decision and Order filed on February 5, 2009. The commission, thus, determines that the Decision and Order filed on February 5, 2009 should be vacated.

III. Order

THE COMMISSION ORDERS:

The Decision and Order filed on February 5, 2009, is vacated and this docket is closed unless otherwise ordered by the commission.
DONE at Honolulu, Hawaii JUN 25 2009

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
CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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