# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

HAWAIKI NUI VA'A LLC

For a Motor Carrier Certificate or )
Permit.

DOCKET NO. 2007-0375

# ORDER VACATING ORDER FILED ON JUNE 17, 2009

RECEIVED

MIN 30 A 9: 32

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

PUBLIC UTILITIES

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In	the	<b>e</b> .	Matt	er	of	the	Ap	plic	atio	n	of
			HAWA	.IKI	I NU	JI V	A'A	LLC			
For Per				Ca	arri	er.	Cer	tifi	cate	0	r

Docket No. 2007-0375

# ORDER VACATING ORDER FILED ON JUNE 17, 2009

By this Order, the commission vacates the Order filed on June 17, 2009, and reinstates Decision and Order No. 24076, in the matter of HAWAIKI NUI VA'A LLC ("Petitioner").

I.

#### Background

On November 6, 2007, Petitioner filed an application requesting 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 Kauai in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours. By Decision and Order No. 24076, filed on March 6, 2008, the commission granted Petitioner's request, upon condition that Petitioner file certain required documents with the commission. By Order filed on 2009, the commission vacated Decision and Order June 17, No. 24076 for Petitioner's failure comply with to commission's requirements set forth in Decision and Order No. 24076.

On June 19, 2009, Petitioner filed a timely motion for reconsideration of the Order filed on June 17, 2009, stating that Petitioner's non-compliance was due to the concerns for a family member's health. On June 19, 2009, Petitioner submitted its tariff, which completed all the requirements requested by Decision and Order No. 24076.

II.

# Findings and Conclusions

The commission finds that Petitioner has fully complied, although belatedly, with the requirements set forth in Decision and Order No. 24076, and, thus, finds good cause in this particular instance to reconsider and set aside Order No. 24076.

III.

#### Orders

#### THE COMMISSION ORDERS:

- 1. The Order filed on June 17, 2009 is vacated.
- 2. Decision and Order No. 24076 is reinstated.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2007-0375.ps

# 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
P. O. Box 541
Honolulu, HI 96809

HAWAIKI NUI VA'A LLC c/o CATHERINE PETERS 4-369A Kuhio Highway Kapaa, HI 96746