

*** NOT FOR PUBLICATION ***

NO. 26775

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Request of Frank J. Lucketti to Place
Operating Authority on Inactive Status

APPEAL FROM THE PUBLIC UTILITIES COMMISSION
(DOCKET NO. 02-0124)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the June 29, 2004 order of the Public Utilities Commission was a final order appealable by appellant pursuant to HRS § 271-33, provided that the order was subject to a motion for reconsideration filed within ten days after the order was served on June 29, 2004. See HRS §§ 271-32(b) and 271-33. Appellant's July 22, 2004 motion for reconsideration was not filed within ten days after the June 29, 2004 order was served. Accordingly, the jurisdictional requirements for appealing the June 29, 2004 order were not met and we lack jurisdiction over this appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 13, 2004.