

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----)  
)  
CYP, INC., dba CYPRIANO RENTALS )  
& TRUCKING )  
)  
Notice of Failure to Comply )  
With Hawaii Revised Statutes )  
and Commission's Regulations )  
Order to Show Cause Why )  
Respondent's Operating )  
Authority Should Not Be )  
Suspended or Revoked. )  
\_\_\_\_\_ )

DOCKET NO. 02-0246

RECEIVED  
2002 SEP 30 A 8:43  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND LAND  
CONSUMER AFFAIRS  
1505 KALANIANA'OHU BLVD.  
HONOLULU, HI 96813

ORDER NO. 19557

Filed Sept. 30, 2002  
At 8:00 o'clock A .M.

Karen Higash  
Chief Clerk of the Commission

ATTEST: A True Copy  
CATHERINE SAKATO  
Clerk  
Public Utilities Commission  
State of Hawaii

C Sakato

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- ) ) CYP, INC., dba CYPRIANO RENTALS ) & TRUCKING ) ) Notice of Failure to Comply ) With Hawaii Revised Statutes ) and Commission's Regulations ) Order to Show Cause Why ) Respondent's Operating ) Authority Should Not Be ) Suspended or Revoked. )	Docket No. 02-0246  Order No. 19557
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NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

CYP, INC., dba CYPRIANO RENTALS & TRUCKING (Respondent), is the holder of a motor carrier certificate, issued pursuant to Hawaii Revised Statutes (HRS) § 271-12. Under certificate of public convenience and necessity (CPCN) No. 5121-C, Respondent is authorized to transport property by motor vehicle on the island of Hawaii.

As the holder of a CPCN, Respondent is required to file an annual financial report (AFR), pursuant to HRS § 271-25, and pay an annual motor carrier gross revenue fee (Fee), pursuant to HRS § 271-36. Respondent failed to file an AFR for 2001. In addition, by Citation Nos. 0479, 0481, and 0482 (citations), the commission imposed civil penalties of \$1,000.00 per citation, for a total of \$3,000.00. Since Respondent failed to make payment within 15 days from receipt of the citations and did not request a contested hearing within 20 days from the receipt of the citations, the citations were deemed the final orders of the

commission, pursuant to Hawaii Administrative Rules § 6-68-21(f)(1). Respondent has not complied with the respective orders of the commission by failing to pay the penalties that the commission imposed.

HRS § 271-19 and Hawaii Administrative Rules § 6-68-32(b) authorizes the commission, after notice and hearing, to suspend or revoke any CPCN, in part or in whole, if the holder is found to be in violation of any of the provisions of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's CPCN for failure to comply with the legal requirements set forth above, unless Respondent is able to show why such suspension or revocation should not occur.

THE COMMISSION ORDERS:


1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 29, 2002 to show cause why Respondent's CPCN should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

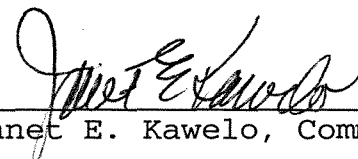
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

3. If Respondent fails to appear at the scheduled hearing, Respondent's CPCN shall be revoked.

DONE at Honolulu, Hawaii this 30th day of September,  
2002.

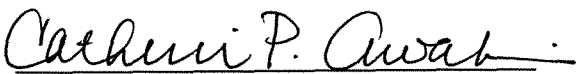
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

By (RECUSED)  
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

  
Catherine P. Awakuni  
Commission Counsel

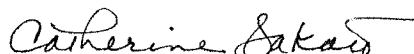
02-0246.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19557 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

CYP, INC., dba  
Cypriano Rentals & Trucking  
P. O. Box 891  
Kamuela, HI 96743  
(CM #7001 1940 0007 4476 8185)

  
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Catherine Sakato

DATED: September 30, 2002