



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----)	
)	
DONALD POEPOE SR.,	)
dba POI'S EXCAVATION	)
)	Docket No. 02-0248
)	Order No. 19559
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.	)
_____)	

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

DONALD POEPOE SR., dba POI'S EXCAVATION (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. 4067-C, Respondent is authorized to transport property by motor vehicle on the island of Maui.

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 filed a 2001 AFR and paid the Fee after the April 30, 2002 deadline, however, the AFR was rejected, since Respondent filed the incorrect form.

HRS § 271-19 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.

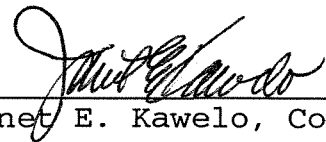
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust,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

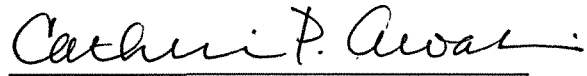
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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

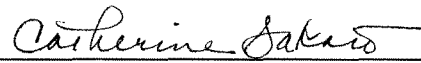
02-0248.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19559 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

DONALD POEPOE SR., dba POI'S EXCAVATION  
1151 Nakui Street  
Makawao, HI 96768  
(CM #7099 3220 0003 3738 8525)

  
\_\_\_\_\_  
Catherine Sakato

DATED: September 30, 2002