

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
FRANK SOARES, JR.,)
dba B&J 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. 02-0249

DEPT. OF COMMERCE, ADVISORY
COMMISSION ON CONSUMER AFFAIRS
STATE OF HAWAII

2002 SEP 30 A 8:43

RECEIVED

ORDER NO. 19560

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

Karen Higashida
Chief Clerk of the Commission

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

Sakato

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
FRANK SOARES, JR.,) Docket No. 02-0249
dba B&J TRUCKING)
Notice of Failure to Comply) Order No. 19560
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

FRANK SOARES, JR., dba B&J 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. 5114-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 filed a 2001 AFR and paid the Fee, but after the April 30, 2002 deadline for filing of the AFR and Fee had passed. Pursuant to HRS § 271-27(h) and Hawaii Administrative Rules § 6-62-42, the commission assessed a penalty of \$1,416.86 for Respondent's untimely AFR filing and Fee

payment. Respondent has not complied with the commission's request for payment.

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:

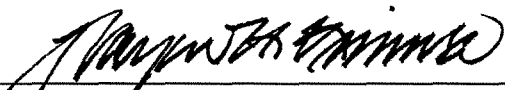
1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 29, 2002 to show cause why Respondent's CPCN should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

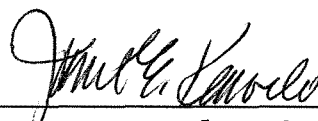
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust,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

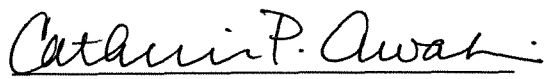
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

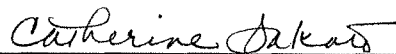
02-0249.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19560 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

FRANK SOARES, JR., dba B&J TRUCKING
RR 3 Box 1112
Pahoa, HI 96778
(CM # 7099 3220 0001 6485 2411)



Catherine Sakato

DATED: September 30, 2002