

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))	
M. DYER & SONS, INC.)	Docket No. 02-0256
Notice of Failure to Comply)	
With Hawaii Revised Statutes)	Order No. 19567
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

M. DYER & SONS, INC. (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. 0137-C, Respondent is authorized to transport property by motor vehicle on the island of Oahu.

On June 3, 1997, a Public Utilities Commission Enforcement Officer determined that Respondent operated an improperly marked vehicle in violation of HRS § 271-29 and Hawaii Administrative Rules (HAR) § 6-62-20, and issued Citation No. 4427043 (citation), and an accompanying civil penalty of \$500.00. Since Respondent did not pay the citation within 15 days of its receipt and did not request a contested hearing on the citation within 20 days from the receipt of the citation, the citation was deemed to be a final order of the commission, pursuant to Hawaii Administrative Rules § 6-68-21(f)(1). The commission sent Respondent a first and second bill for collection

on June 29, 1997 and July 27, 1997, respectively. Respondent has not complied with the commission's order by failing to pay the penalty imposed by the commission.

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.

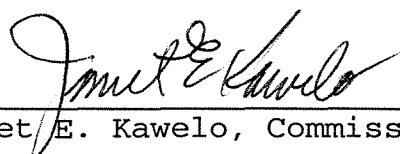
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust,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

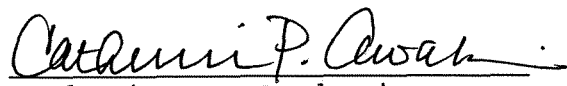
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

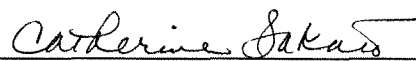
02-0256.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19567 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

M. DYER & SONS, INC.
98-054 Kuleana Road
Pearl City, HI 96782
(CM # 7099 3220 0001 6485 0660)



Catherine Sakato

DATED: September 30, 2002