

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
DONALD POEPOE SR.,)
dba POI'S EXCAVATION)
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. 02-0248

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

DECISION AND ORDER NO. 19821

Filed Nov. 27, 2002
At 8 o'clock A. .M.

Kris h. he
for Chief Clerk of the Commission

ATTEST: A True Copy
LEATRICE G. ASAHI
Clerk, Public Utilities
Commission, State of Hawaii.

Leatrice G. Asahi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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DONALD POEPOE SR.,)	Docket No. 02-0248
dba POI'S EXCAVATION)	
)	Decision and Order No. 19821
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.)	

DECISION AND ORDER

By Order No. 19559, filed on September 30, 2002, the commission ordered DONALD POEPOE SR., dba POI'S EXCAVATION (Respondent) to 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 certificate of public convenience and necessity (CPCN) number 4067-C should not be suspended or revoked for failure to file an annual financial report in an appropriate form, pursuant to Hawaii Revised Statutes (HRS) § 271-25.¹ The commission notified Respondent that its CPCN would be revoked if it failed to appear at the scheduled hearing.

¹The commission notified Respondent of the October 29, 2002 hearing by serving Order No. 19559 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to Hawaii Administrative Rules (HAR) § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to Respondent's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on October 7 and October 14, 2002.

On October 29, 2002, Respondent failed to appear before the commission's hearings officer. As a result, the hearings officer recommended that: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's CPCN be revoked.

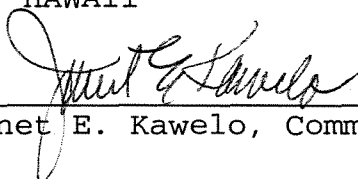
Based on the above, the commission finds that Respondent has not complied with Order No. 19559, the applicable laws, rules, and regulations, and concludes that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 4067-C is revoked.

DONE at Honolulu, Hawaii this 27th day of November, 2002.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By (RECUSED)
Gregg J. Kinkley, Commissioner


for Catherine P. Awakuni
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No.19821 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 96819
(CM #7001 1940 0007 4476 8024)

Catherine Sakato
for _____
Karen Higashi

DATED: November 27, 2002