

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
RICHARD EDWARD SAN-AGUSTIN)
)
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. 02-0291

DECISION AND ORDER NO. 19888

Filed Dec. 17, 2002
At 8:00 o'clock A.M.

Karen Higuel.
Chief Clerk of the Commission

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

2002 DEC 17 P 4:06

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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

----- In the Matter of -----)		
RICHARD EDWARD SAN-AGUSTIN)	Docket No. 02-0291
Notice of Failure to Comply)	Decision and Order No.19888
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. 19602, filed on September 30, 2002, the commission ordered RICHARD EDWARD SAN-AGUSTIN (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 1700-C should not be suspended or revoked for failure to file an annual financial report, pursuant to Hawaii Revised Statutes (HRS) § 271-25, and pay an annual motor carrier gross revenue fee, pursuant to HRS § 271-36.¹ 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. 19602 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.

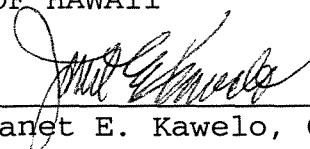
Based on the above, the commission finds that Respondent has not complied with Order No. 19602, the applicable laws, rules, and regulations, and concludes that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 1700-C is revoked.


DONE at Honolulu, Hawaii this 17th day of December , 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

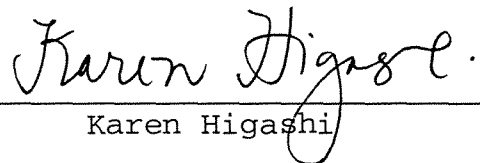
By (RECUSED)
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19888 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

RICHARD EDWARD SAN-AGUSTIN
P. O. Box 235502
Honolulu, HI 96823
(CM #7002 1000 0004 5725 8331)



Karen Higashi

DATED: December 17, 2002