



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----) )  
UJIHARU NAGAI ) Docket No. 02-0302  
) )  
Notice of Failure to Comply ) Decision and Order No.19893  
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. 19613, filed on September 30, 2002, the commission ordered UJIHARU NAGAI (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 1096-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.<sup>1</sup> The commission notified Respondent that its CPCN would be revoked if it failed to appear at the scheduled hearing.

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<sup>1</sup>The commission notified Respondent of the October 29, 2002 hearing by serving Order No. 19613 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.

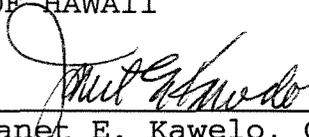
Based on the above, the commission finds that Respondent has not complied with Order No. 19613, the applicable laws, rules, and regulations, and concludes that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 1096-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

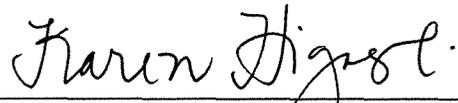
By (RECUSED)  
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19893 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

UJIHARU NAGAI  
625 Hakaka Place  
Honolulu, HI 96816  
(CM #7002 1000 0004 5725 8379)

  
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Karen Higashi

DATED: December 17, 2002