

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
RICKY'S TRUCKING, INC.)
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. 02-0263

ORDER NO. 19925

Filed Dec. 20, 2002
At 2:30 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

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

2002 DEC 23 P 3:58

RECEIVED

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))
RICKY'S TRUCKING, INC.) Docket No. 02-0263
Notice of Failure to Comply) Order No. 19925
With Hawaii Revised Statutes)
and Commission's Regulations)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

ORDER

By Decision and Order No. 19824, filed on November 27, 2002, the commission revoked certificate of public convenience and necessity (CPCN) number 2112-C held by RICKY'S TRUCKING, INC. (Movant), for failure to pay a penalty of \$300.00 assessed by the commission, pursuant to Hawaii Revised Statutes (HRS) §§ 271-27 (h)-(i) and Hawaii Administrative Rules § 6-62-42, for Respondent's failure to timely file an annual financial report (AFR), and pay an annual motor carrier gross revenue fee.

On December 5, 2002, Movant filed a letter requesting that the commission reconsider the revocation of its CPCN. The commission will treat Movant's letter as a motion for reconsideration of Decision and Order No. 19824.¹

¹Movant's motion for reconsideration is considered timely, since pursuant to Hawaii Administrative Rules § 6-61-137, a motion for reconsideration must be filed within ten days of the filing of Decision and Order No. 19824. Thus, in this instance, Movant should have filed its motion for reconsideration on or before December 9, 2002.

II.

Movant seeks reconsideration on the basis that it did not receive copies of Order No. 19574 (Notice of Violation, Order to Show Cause, and Notice of Hearing) and Decision and Order No. 19824, which revoked its CPCN.² Subsequent to the filing of its motion for reconsideration, Movant informed the commission that it intended to pay the penalty imposed by the commission.

On December 11, 2002, Movant paid the delinquent fee of \$300.00 assessed by the commission.

Based on the above, the commissions finds that Movant has fully complied, although belatedly, with the motor carrier laws, rules, and regulations, and concludes that the motion for reconsideration should be granted and Decision and Order No. 19824 should be voided.

III.

THE COMMISSION ORDERS:

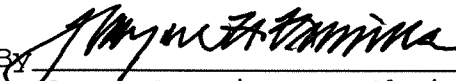
1. Movant's motion for reconsideration of Decision and Order No. 19824, filed on November 27, 2002, is granted.
2. Decision and Order No. 19824 is voided.


²Movant asserts that it notified the commission of its new mailing address when it filed its untimely AFR. The commission notes that it inadvertently failed to send the above-mentioned Order No. 19574 and Decision and Order No. 19824 to Movant's new address. However, the commission did provide Movant with adequate notice of the hearing and revocation, in accordance with Hawaii Revised Statutes § 91-9.5, by publishing the notice of hearing at least once in each of two successive weeks in a newspaper of general circulation, with the last notice appearing at least 15 days prior to the date of the hearing.

3. Movant's CPCN No. 2112-C is reinstated.

DONE at Honolulu, Hawaii this _____ day of December,
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

02-0263.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19925 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

RICKY'S TRUCKING, INC.
85-1230 Kaneilio Street
Waianae, HI 96792



Karen Higashi

DATED: December 20, 2002