



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
FRANK D. DUARTE, dba )  
DUARTE'S EQUIPMENT RENTAL )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

Docket No. 03-0085

Order No. 20735

ORDER

I.

Background

On July 8, 2003, in Decision and Order No. 20307, the commission approved the application of FRANK D. DUARTE, dba DUARTE'S EQUIPMENT RENTAL ("Applicant"), for a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the dump truck and specific commodities (water, heavy machinery and equipment) classifications. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within 120 days of the issuance of the decision and order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to void the decision and order.

We served Applicant with a copy of the decision and order by mail, postage prepaid, on the same day that the decision and order was issued, in accordance with Hawaii Administrative Rules

§§ 6-61-21 and 6-61-122. Additionally, we sent a letter to Applicant, dated July 8, 2003, which reiterated the commission's requirements and specified November 8, 2003, as the deadline for compliance.

The 120-day time period has passed, and Applicant has not complied with the requirements set forth under Decision and Order No. 20307. The commission, thus, determines that Decision and Order No. 20307 should be voided.

II.

Order

THE COMMISSION ORDERS that Decision and Order No. 20307 is voided and this docket is closed.

DONE at Honolulu, Hawaii this 6th day of January , 2004.

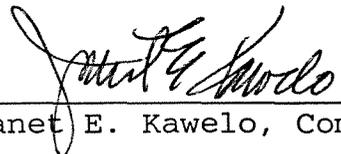
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

  
Bedyne S. Stone  
Commission Counsel

By   
Janet E. Kawelo, Commissioner

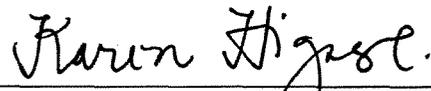
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20735 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

FRANK D. DUARTE, dba  
DUARTE'S EQUIPMENT RENTAL  
P. O. Box 5290  
Hilo, HI 96720

  
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Karen Higashi

DATED: January 6, 2004