# BEFORE THE PUBLIC UTILITIES COMMISSION

### OF THE STATE OF HAWAII

In the Matter of the Request of) NICKY ENTERPRISE, INC. ) To Place Operating Authority on) Inactive Status. )

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DOCKET NO. 04-0042

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ORDER NO. 21206



<u>August 4</u>, 2004 <u>11</u> o'clock <u>A</u>.M. Filed At

igne Chief Clerk of the commission

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

## BEFORE THE PUBLIC UTILITIES COMMISSION

## OF THE STATE OF HAWAII

In the Matter of the Request of) NICKY ENTERPRISE, INC. ) To Place Operating Authority on) Inactive Status.

Docket No. 04-0042 Order No. 21206

#### ORDER

I.

# Request to Place Common Carrier Authority on Inactive Status

On February 24, 2004, NICKY ENTERPRISE, INC. ("Petitioner") filed a letter requesting that certificate of public convenience and necessity no. 1099-C ("Certificate No. 1099-C") be placed on inactive status.<sup>1</sup> Certificate No. 1099-C authorizes Petitioner to transport passengers by motor vehicle over irregular on the island of Oahu in the 1-to-7 passenger routes classification.

Pursuant to Hawaii Revised Statutes ("HRS") § 271-19, the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however, may not exceed 12 months. In addition,

<sup>&</sup>lt;sup>1</sup>By Order No. 20524, filed on October 27, 2003, in Docket No. 03-0323, Petitioner was ordered to show cause why Certificate No. 1099-C should not be suspended or revoked for violations of the state motor carrier laws, rules and regulations. Order No. 21159, filed on July 22, 2004, in that same docket, vacated Order No. 20524 after finding that Petitioner belatedly complied with all state motor carrier laws, rules and regulations.

HRS § 271-19 provides that inactive status may only be granted for a cumulative period not to exceed two years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires it may file, prior to the expiration of the inactive period granted by this order, a request to extend its inactive status for up to one additional year.

## II.

## <u>Orders</u>

## THE COMMISSION ORDERS:

1. Petitioner's Certificate No. 1099-C is placed on inactive status for one year, effective from the date of this order.

2. If Certificate No. 1099-C is not reactivated prior to the expiration of the period of inactivity, i.e., within one year from the date of this order, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 1099-C, along with the filing of all required documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 1099-C shall be revoked.

3. Petitioner shall not transfer its inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

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DONE at Honolulu, Hawaii this 4th day of August, 2004.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By\_

Carlito P. Caliboso, Chairman

Wayne H. Kimura, Commissioner

By.

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

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Benedyne S. Stone Commission Counsel

04-0042.cs

I hereby certify that I have this date served a copy of the foregoing Order No.21206 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

NICKY ENTERPRISE, INC. P. O. Box 88042 Honolulu, HI 96830

Karin Digost. Karen Higashi

DATED: AUG 0 4 2004