

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 HAVARD ABRAHAM, JR., dba)
 TOPS LIMOUSINE AND TAXI)
)
 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. 04-0212

DECISION AND ORDER NO. 22411

Filed April 24, 2006
At 1 o'clock P.M.

Karen Higost.
Chief Clerk of the Commission

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Docket No. 04-0212
Decision and Order No. 22411

DECISION AND ORDER

By this Decision and Order, the commission revokes certificate of public convenience and necessity number 1471-C ("Certificate No. 1471-C") held by HAVARD ABRAHAM, JR., dba TOPS LIMOUSINE AND TAXI ("Respondent").

I.

Procedural History

Pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), § 6-62-24(a), the commission ordered Respondent to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 6, 2004, to show cause why Respondent's Certificate No. 1471-C should not be suspended or revoked for failure to file an annual financial report and pay an annual

motor carrier gross revenue fee for the year 2003.¹ The commission notified Respondent that Certificate No. 1471-C would be revoked if he failed to appear at the scheduled hearing.

On October 6, 2004, Respondent failed to appear before the commission's hearing officer. As a result, the hearings officer recommended that the commission render the following findings and conclusions: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's Certificate No. 1471-C be revoked.

II.

Findings and Conclusions

Based on the entire record, the commission finds that Respondent's failure to appear at the October 6, 2004 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 21253 are true in the event of a default, and such facts are in violation of applicable laws, rules, and regulations noted above, the commission concludes that Respondent's Certificate No. 1471-C should be revoked.

¹The commission notified Respondent of the October 6, 2004 hearing by serving Order No. 21253 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to 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 hearing via statewide publication in newspapers of general circulation on September 14 and September 21, 2004.


III.

Order

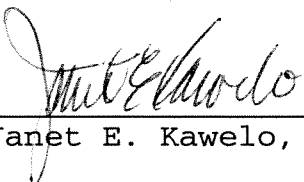
THE COMMISSION ORDERS that Certificate No. 1471-C is revoked, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii APR 24 2006.

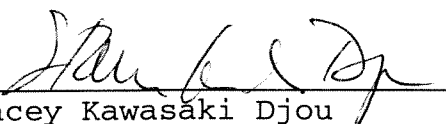
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

04-0212.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22411 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

HAVARD ABRAHAM, JR., dba
TOPS LIMOUSINE AND TAXI
P. O. Box 15442
Honolulu, HI 96830



Karen Higashi

DATED: APR 24 2006