

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
NORINA DEREIS SOUZA, dba)
ISLAND TOP SOIL)
)
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. 2006-0192

DECISION AND ORDER NO. 22864

Filed Sept. 18, 2006
At 2 o'clock P.M.

Karen Higuel.
Chief Clerk of the Commission

RECEIVED

2006 SEP 19 A 8:59

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
NORINA DEREIS SOUZA, dba)
ISLAND TOP SOIL)
)
Notice of Failure to Comply) Docket No. 2006-0192
With Hawaii Revised Statutes) Decision and Order No. 22864
and Commission's Regulations;)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission vacates Order No. 22670, filed on August 3, 2006, in the matter of NORINA DEREIS SOUZA, dba ISLAND TOP SOIL ("Respondent").

I.

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 September 27, 2006 to show cause why Respondent's certificate of public convenience and necessity number 111-C should not be suspended or revoked for failure to file an annual financial report ("AFR") and pay an annual motor carrier gross revenue fee ("Fee") for the years 2004 and 2005.

On September 11, 2006, Respondent filed its 2004 and 2005 AFRs and paid its Fees.

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the motor carrier laws, rules, and regulations, and concludes that Order No. 22670, filed on August 3, 2006, should be vacated.

III.

Orders

THE COMMISSION ORDERS:

1. Order No. 22670 is vacated.
2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii SEP 18 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

2006-0192.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22864 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

NORINA DEREIS SOUZA, dba
ISLAND TOP SOIL
P. O. Box 1857
Waianae, HI 96792



Karen Higashi

DATED: SEP 18 2006