

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
MARC FRIEZNER, dba )  
ALOHA BICYCLE TOURS )  
 )  
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. 2006-0251

DECISION AND ORDER NO. 23043

Filed November 21, 2006  
At 9 o'clock A.M.

Brooke K. Kane  
for Chief Clerk of the Commission

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

2006 NOV 22 A 9:33

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ATTEST: A True Copy  
BROOKE K. KANE  
Administrative Director  
Public Utilities Commission  
State of Hawaii

Brooke K. Kane

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Docket No. 2006-0251  
Decision and Order No. 23043

DECISION AND ORDER

By this Decision and Order, the commission revokes certificate of public convenience and necessity number 4809-C ("Certificate No. 4809-C") held by MARC FRIEZNER, dba ALOHA BICYCLE TOURS ("Respondent").

I.

Procedural History

By Order No. 22779, filed on August 22, 2006, 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 No. 4809-C should not be suspended or revoked for failure to comply with the commission's order that required the payment of \$1,000 in civil

penalties, imposed for the violation of the motor carrier laws.<sup>1</sup> In its order, the commission notified Respondent that Certificate No. 4809-C would be revoked if it failed to appear at the scheduled hearing.

On September 27, 2006, Respondent failed to appear before the commission's hearing officer. As a result, the hearing 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. 4809-C be revoked.

## II.

### Findings and Conclusions

Based on the entire record, the commission finds that Respondent's failure to appear at the September 27, 2006 hearing constitutes a default in accordance with Hawaii Administrative Rules ("HAR") § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 22779 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. 4809-C should be revoked.

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<sup>1</sup>The commission notified Respondent of the September 27, 2006 hearing by serving Order No. 22779 upon Respondent by certified mail, return receipt requested, at Respondent's last known address. 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 Hawaii Revised Statutes § 91-9.5, the commission provided Respondent with notice of hearing via statewide publication in newspapers of general circulation on September 5 and September 12, 2006.

III.


Orders

THE COMMISSION ORDERS:

Certificate No. 4809-C is revoked, and this docket is closed unless otherwise ordered by the commission.

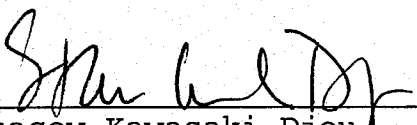
DONE at Honolulu, Hawaii NOV 21 2006.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel


2006-0251.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23043 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

MARC FRIEZNER, dba  
ALOHA BICYCLE TOURS  
P. O. Box 455  
Kula, HI 96790

  
\_\_\_\_\_  
for Karen Higashi

DATED: NOV 21 2006