

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
SER TRUCKING, INC.)
)
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. 2006-0212

DECISION AND ORDER NO. 23089

Filed Nov. 30, 2006
At 2 o'clock P.M.

Karen Higost.
Chief Clerk of the Commission

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

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-----))

Docket No. 2006-0212
Order No. 23089

DECISION AND ORDER

By this Decision and Order, the commission vacates Order No. 22793, filed on August 23, 2006, and Decision and Order No. 22996, filed on October 31, 2006, in the matter of SER TRUCKING, INC. ("Respondent").

I.

History

By Order No. 22793, filed on August 23, 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 of public convenience and necessity number 2074-C should not be suspended 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. As Respondent failed to appear at the hearing, the commission revoked

Certificate No. 2074-C by Decision and Order No. 22996, filed on October 31, 2006,

On November 3, 2006, Respondent filed a timely motion for reconsideration ("Motion") of Decision and Order No. 22996 and paid the outstanding civil penalties in the amount of \$1,000.00. In its Motion, Respondent stated that it was under the impression from its advisors that the matters resulting in the citation had been taken care of and that it did not realize that attendance at the hearing scheduled for September 27, 2006 was still required.

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the requirements set forth in Order No. 22793 and, thus, finds good cause in this particular instance to vacate Order No. 22793 and to reconsider and set aside Decision and Order No. 22996.

III.

Orders

THE COMMISSION ORDERS:

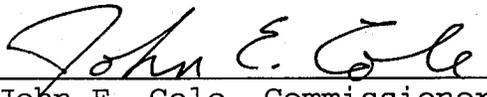
1. Order No. 22793, filed on August 23, 2006, and Decision and Order No. 22996, filed on October 31, 2006, are vacated.

2. This docket is closed unless otherwise ordered by the commission.

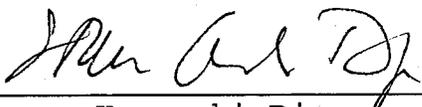
DONE at Honolulu, Hawaii NOV 30 2006.

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

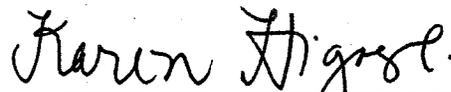
2006-0212.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23089 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

SER TRUCKING, INC.
P. O. Box 1847
Waianae, HI 96792



Karen Higashi

DATED: NOV 30 2006