

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
FRANK SOARES, JR., dba)
B & J TRUCKING)
)
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. 2007-0252

ORDER NO. 23771

Filed Oct. 26, 2007
At 11 o'clock A.M.

Karen Higzel.
Chief Clerk of the Commission

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

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----- In the Matter of -----)
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B & J TRUCKING)
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. 2007-0252
Order No. 23771

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

FRANK SOARES, JR., dba B & J TRUCKING ("Respondent"), is the holder of a certificate of public convenience and necessity ("Certificate"), issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12. Under Certificate No. 5114-C, Respondent is authorized to transport property by motor vehicle over irregular routes on the island of Hawaii.

HRS § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a) require Respondent to file an annual financial report ("AFR"). HRS § 271-36 and HAR § 6-62-24(a) require Respondent to pay an annual motor carrier gross revenue fee ("Fee"). Respondent failed to file an AFR and pay the Fee for 2006.

HRS § 271-19 authorizes the commission, after notice and hearing, to suspend or revoke any Certificate, in part or in whole, if the commission finds that the holder violated any provision of HRS chapter 271. Accordingly, the commission may

suspend or revoke Respondent's Certificate for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 20, 2007, to show cause why Respondent's Certificate should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

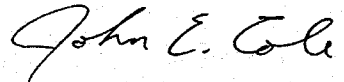
3. If Respondent fails to appear at the scheduled hearing, Respondent's Certificate shall be suspended or revoked.


DONE at Honolulu, Hawaii

OCT 26 2007


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2007-0252.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23771 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

FRANK SOARES, JR., dba
B & J TRUCKING
RR 3 Box 1112
Pahoā, HI 96778

(CM #7005 1160 0002 2514 1436)



Karen Higashi

DATED: OCT 26 2007