

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
FOXX TRANSPORTATION & EQUIPMENT )  
RENTAL LLC )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 2008-0319

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

ORDER VACATING THE DECISION AND ORDER FILED ON APRIL 2, 2009

FILED

2009 AUG 19 P 12: 44

PUBLIC UTILITIES  
COMMISSION

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OF THE STATE OF HAWAII

In the Matter of the Application of )  
FOXX TRANSPORTATION & EQUIPMENT ) Docket No. 2008-0319  
RENTAL LLC )  
For a Motor Carrier Certificate or )  
Permit. )  
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ORDER VACATING THE DECISION AND ORDER FILED ON APRIL 2, 2009

By this Order, the commission vacates the Decision and Order filed on April 2, 2009, and closes this docket.

I.

Application for Common Carrier Authority

By Decision and Order filed on April 2, 2009, the commission approved the application of FOXX TRANSPORTATION & EQUIPMENT RENTAL LLC ("Applicant") for a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the islands of Oahu and Maui in the general commodities and dump truck classifications. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within one hundred and twenty (120) days of the issuance of the Decision and Order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to vacate the Decision

and Order. We served Applicant with a copy of the Decision and Order by mail, postage prepaid, on the same day that the Decision and Order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122.

II.

Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in the Decision and Order filed on April 2, 2009. The commission, thus, determines that the Decision and Order filed on April 2, 2009 should be vacated.

III.

Order

THE COMMISSION ORDERS:

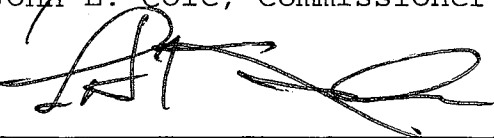
The Decision and Order filed on April 2, 2009, is vacated and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii AUG 19 2009.


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:

  
for Stacey Kawasaki Djou  
Commission Counsel

2008-0319.1aa

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

FOXX TRANSPORTATION & EQUIPMENT RENTAL LLC  
c/o CHANTTEL ROBERTS  
96-1362 A Waihona Street  
Pearl City, HI 96782