

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
A & S HAULING, LLC )  
 )  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  
\_\_\_\_\_ )

DOCKET NO. 2009-0002

ORDER DISMISSING APPLICATION

**FILED**

OCT 13 2009

Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
A & S HAULING, LLC ) Docket No. 2009-0002  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  
\_\_\_\_\_ )

ORDER DISMISSING APPLICATION

By this Order, the commission dismisses the application filed by A & S HAULING, LLC ("Applicant") on January 7, 2009, and closes this docket.

I.

Application to Transfer Common Carrier Authority

On January 7, 2009, Applicant filed an application seeking commission approval to transfer certificate of public convenience and necessity no. 5232-C to A & S Hauling, Inc., pursuant to Hawaii Revised Statutes ("HRS") § 271-18.

By a notice of dismissal dated September 3, 2009, we informed Applicant of our intent to dismiss the application without prejudice because of Applicant's failure to respond to the commission's request for a Tax Clearance Certificate issued by the State of Hawaii Department of Taxation in the name of Applicant. Applicant was further advised that any objection to the dismissal of its application must be submitted in writing and

filed not later than ten (10) days from the date of the notice, and that if an objection was not filed, the commission would issue an order dismissing the application.

II.

Findings and Conclusions

Applicant did not object to the dismissal of its application within the ten (10)-day time period. We, thus, find that there is good cause to dismiss the application in this docket.

III.

Order

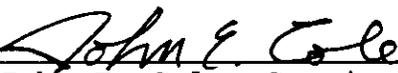
THE COMMISSION ORDERS:

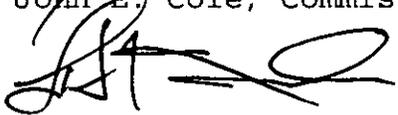
The application filed by Applicant on January 7, 2009, is dismissed without prejudice and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii OCT 13 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:

  
Stacey Kawasaki Djou  
Commission Counsel

2009-0002.laa

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

A & S HAULING, LLC  
c/o WENDELL K. APAO, JR.  
P. O. Box 2159  
Pahoa, HI 96778