BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

----- In the Matter of -----)

WHALEN BECK KALAE WONG dba K & T WATER HAULING

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. 02-0264



<u>ORDER NO. 19575</u>

Filed <u>Sept. 30</u>, 2002 At <u>8:00</u> o'clock <u>A</u>.M.

Karin Higose.

Chief Clerk of the Commission

ATTEST: A True Copy CATHERINE SAKATO Clerk Public Utilities Commission State of Havaii

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Order No. 19575

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

WHALEN BECK KALAE WONG, dba K & T WATER HAULING (Respondent), is the holder of a motor carrier certificate, issued pursuant to Hawaii Revised Statutes (HRS) § 271-12. Under certificate of public convenience and necessity (CPCN) No. 5141-C, Respondent is authorized to transport property by motor vehicle on the island of Hawaii.

As the holder of a CPCN, Respondent is required to file an annual financial report (AFR), pursuant to HRS § 271-25, and pay an annual motor carrier gross revenue fee (Fee), pursuant to HRS § 271-36. Respondent has failed to file an AFR for 2001 and pay the Fee.

HRS § 271-19 authorizes the commission, after notice and hearing, to suspend or revoke any CPCN, in part or in whole, if the holder is found to be in violation of any of the provisions of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's CPCN for failure to comply with the legal requirements set forth above, unless Respondent is able to show 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 October 29, 2002 to show cause why Respondent's CPCN 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 CPCN shall be revoked.

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DONE at Honolulu, Hawaii this 30th day of September,

2002.

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PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

H. Kimura, Chairman By∠

Janet E. Kawelo, Commissioner By_

By (RECUSED) Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Cathini P. awab_

Catherine P. Awakuni Commission Counsel

02-0264.sl

I hereby certify that I have this date served a copy of the foregoing <u>Order No. 19575</u> 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

WHALEN BECK KALAE WONG dba K & T WATER HAULING P. O. Box 1101 Keaau, HI 96749 (CM #7099 3220 0001 6485 0752)

Catherine Sakato

DATED: September 30, 2002