# BEFORE THE PUBLIC UTILITIES COMMISSION

#### OF THE STATE OF HAWAII

----- In the Matter of -----) NORTH SHORE ADVENTURE TOURS, 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. 02-0287

# DECISION AND ORDER NO. 19887

Filed \_\_\_\_\_\_, 2002 At 8:00 o'clock A .M. Karen Higns

Chief Clerk of the Commission



ATTEST: A True Copy LEATRICE G. ASAHI Clerk, Public Utilities Commission, State of Hawaii. atrui 'aqui

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Docket No. 02-0287 Decision and Order No. 19887

#### DECISION AND ORDER

By Order No. 19598, filed on September 30, 2002, the commission ordered NORTH SHORE ADVENTURE TOURS, INC. (Respondent) to 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 certificate of public convenience and necessity (CPCN) number 1393-C should not be suspended or revoked for failure to: (1) file an annual financial report, pursuant to Hawaii Revised Statutes (HRS) § 271-25; (2) pay an annual motor carrier gross revenue fee, pursuant to HRS § 271-36; and (3) comply with the commission's orders that required the payment of \$2,000 in civil penalties, imposed for violation of the motor carrier laws.<sup>1</sup> The commission notified Respondent that its CPCN would be revoked if it failed to appear at the scheduled hearing.

<sup>&</sup>lt;sup>1</sup>The commission notified Respondent of the October 29, 2002 hearing by serving Order No. 19598 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to Hawaii Administrative Rules (HAR) § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to

On October 29, 2002, Respondent failed to appear before the commission's hearings officer. As a result, the hearings officer recommended that: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's CPCN be revoked.

Based on the above, the commission finds that Respondent has not complied with Order No. 19598, the applicable laws, rules, and regulations, and concludes that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 1393-C is revoked.

DONE at Honolulu, Hawaii this 17th day of December , 2002.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

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Wayne H. Kimura, Chairman

APPROVED AS TO FORM:

By\_

Janet E. Kawelo, Commissioner

(RECUSED) By\_ Gregg J. Kinkley, Commissioner

Catherine P. Awakuni Commission Counsel

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Respondent's last known address, or to Respondent's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on October 7 and October 14, 2002. I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 19887</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

NORTH SHORE ADVENTURE TOURS, INC. 745 Keeaumoku Street, #202 Honolulu, HI 96814 (CM #7002 1000 0004 5725 8362)

Norse. Marin Karen Higa

DATED: December 17, 2002