BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of
RICKY'S TRUCKING, INC.  DOCKET NO. 02-0263

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.

ORDER NO. 19925

Filed Dec. 20, 2002
At 2:30 o'clock P.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
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OF THE STATE OF HAWAII

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RICKY’S TRUCKING, INC. ) Docket No. 02-0263
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ORDER

By Decision and Order No. 19824, filed on November 27, 2002, the commission revoked certificate of public convenience and necessity (CPCN) number 2112-C held by RICKY’S TRUCKING, INC. (Movant), for failure to pay a penalty of $300.00 assessed by the commission, pursuant to Hawaii Revised Statutes (HRS) §§ 271-27 (h)-(i) and Hawaii Administrative Rules § 6-62-42, for Respondent’s failure to timely file an annual financial report (AFR), and pay an annual motor carrier gross revenue fee.

On December 5, 2002, Movant filed a letter requesting that the commission reconsider the revocation of its CPCN. The commission will treat Movant’s letter as a motion for reconsideration of Decision and Order No. 19824.¹

¹Movant’s motion for reconsideration is considered timely, since pursuant to Hawaii Administrative Rules § 6-61-137, a motion for reconsideration must be filed within ten days of the filing of Decision and Order No. 19824. Thus, in this instance, Movant should have filed its motion for reconsideration on or before December 9, 2002.
II.

Movant seeks reconsideration on the basis that it did not receive copies of Order No. 19574 (Notice of Violation, Order to Show Cause, and Notice of Hearing) and Decision and Order No. 19824, which revoked its CPCN. Subsequent to the filing of its motion for reconsideration, Movant informed the commission that it intended to pay the penalty imposed by the commission.

On December 11, 2002, Movant paid the delinquent fee of $300.00 assessed by the commission.

Based on the above, the commission finds that Movant has fully complied, although belatedly, with the motor carrier laws, rules, and regulations, and concludes that the motion for reconsideration should be granted and Decision and Order No. 19824 should be voided.

III.

THE COMMISSION ORDERS:

1. Movant’s motion for reconsideration of Decision and Order No. 19824, filed on November 27, 2002, is granted.

2. Decision and Order No. 19824 is voided.

Movant asserts that it notified the commission of its new mailing address when it filed its untimely AFR. The commission notes that it inadvertently failed to send the above-mentioned Order No. 19574 and Decision and Order No. 19824 to Movant’s new address. However, the commission did provide Movant with adequate notice of the hearing and revocation, in accordance with Hawaii Revised Statutes § 91-9.5, by publishing the notice of hearing at least once in each of two successive weeks in a newspaper of general circulation, with the last notice appearing at least 15 days prior to the date of the hearing.
3. Movant's CPCN No. 2112-C is reinstated.

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

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Wayne H. Kimura, Chairman

Janet E. Kawelo, Commissioner

By (RECUSED)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
Commission Counsel

02:0203 eh
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19925 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

RICKY'S TRUCKING, INC.
85-1230 Kaneilio Street
Waianae, HI  96792

DATED: December 20, 2002