BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

MELVIN S. HIGA

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. 02-0257

ORDER NO. 19964

Filed Jan. 14, 2003
At 12:00 o’clock P.M.

Karen Higashi
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

In the Matter of

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ORDER

I.

By Decision and Order No. 19831, filed on November 29, 2002, the commission revoked certificate of public convenience and necessity (CPCN) number 0105-C held by MELVIN S. HIGA (Movant), for failure to file an annual financial report (AFR), pursuant to Hawaii Revised Statutes (HRS) § 271-25, and pay an annual motor carrier gross revenue fee (Fee), pursuant to HRS § 271-36.

On December 9, 2002, Movant filed a motion for reconsideration, requesting that the commission reconsider the revocation of his CPCN.¹

II.

Movant seeks reconsideration on the basis that he did not receive a copy of Order No. 19568 (Notice of Violation, Order

¹Movant's motion for reconsideration is considered timely, pursuant to Hawaii Administrative Rules §§ 6-61-21(e) and 6-61-137.
to Show Cause, and Notice of Hearing), filed on September 30, 2002, and the hearing held on October 29, 2002. Subsequent to the filing of his motion for reconsideration, Movant informed the commission that he intended to file the 2001 AFR and pay the Fee due to the commission.

On December 31, 2002, Movant filed the AFR for 2001 and on January 3, 2003, paid the Fee and $2,564.90 in delinquent filing penalties and interest, assessed pursuant to HRS § 271-27(h) and (i) and Hawaii Administrative Rules § 6-62-42.

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. 19831 should be voided.

III.

THE COMMISSION ORDERS:

1. Movant's motion for reconsideration of Decision and Order No. 19831, filed on December 9, 2002, is granted.

2. Decision and Order No. 19831, filed on November 29, 2002, is voided.

3. Movant's CPCN No. 0105-C is reinstated.

However, Movant does not dispute receipt of Decision and Order No. 19831, filed on November 29, 2002, which revoked his CPCN.
DONE at Honolulu, Hawaii this 14th day of January, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

By
Wayne H. Kimura, Chairman

By
Janet E. Kawelo, Commissioner

By (RECUSED)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
Commission Counsel

02-0257.sh
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19964 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

MELVIN S. HIGA
95-403 Lanikuhana Avenue
Mililani, HI 96789

DATED: January 14, 2003