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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

2003 JAN 15 P 4:03

RECEIVED

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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MELVIN S. HIGA) Docket No. 02-0257
)
Notice of Failure to Comply) Order No. 19964
With Hawaii Revised Statutes)
and Commission's Regulations;)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

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, 2002.² 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.

²However, 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 HAWAII

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

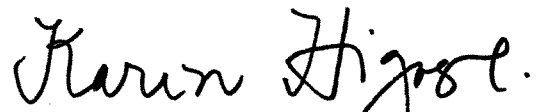
02-0257.ah

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



Karen Higashi

DATED: January 14, 2003