

Stan

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
BIG ISLAND TOPSOIL LLC)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 02-0094

ORDER NO. 20051

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

2003 MAR -3 P 3:59

RECEIVED

Filed March 3, 2003
At 10:30 o'clock A.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

In the Matter of the Application of)
BIG ISLAND TOPSOIL LLC)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No. 02-0094

Order No. 20051

ORDER

By Decision and Order No. 19514, filed on August 14, 2002, we approved the application of BIG ISLAND TOPSOIL LLC (Applicant) to extend its authority under certificate of public convenience and necessity number 5129-C to include the general commodities (excluding break bulk and delivery) and dump truck classifications on the islands of Kauai and Maui. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within 120 days of the issuance of the decision and order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to void the decision and order.

We served Applicant with a copy of the decision and order by mail, postage prepaid, on the same day that the decision and order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122. We also sent a letter to Applicant, dated August 14, 2002, which reiterated the commission's requirements and

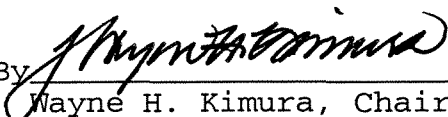
specified December 14, 2002, as the deadline for compliance. Additionally, the commission sent a letter to applicant, dated January 30, 2003, which specifically stated what information still needed to be submitted to the commission, i.e., an amended motor vehicle list for the islands of Kauai and Maui, designating which motor vehicles will be stationed on Kauai and Maui, and the addresses of Applicant's base of operations for the islands of Kauai and Maui. The applicant was given an additional 15 days to respond.

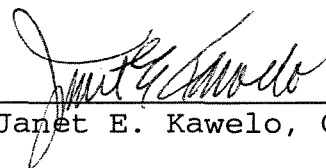
As the time has passed, and Applicant has not complied with the requirements set forth under Decision and Order No. 19514, the commission, thus, determines that Decision and Order No. 19514 should be voided.

THE COMMISSION ORDERS that Decision and Order No. 19514 is voided and this docket is closed.


DONE at Honolulu, Hawaii this 3rd day of March, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel
02-0094.eh

By _____ (RECUSED)
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20051 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

BIG ISLAND TOPSOIL LLC
P. O. Box 1999
Kamuela, HI 96743

BILL BATHE
c/o PACIFIC ACADEMY & ACCOUNTING SERVICES, INC.
87-979 C Farrington Highway
Waianae, HI 96792



Karen Higashi

DATED: March 3, 2003