

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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In the Matter of the Request of)
)
MITCHELL LEE ORTIZ, dba)
MITCH-O'S TRUCKING)
& BACKHOE SERVICE)
)
For Voluntary Surrender of)
Certificate or Permit.)
_____)

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

DOCKET NO. 01-0268

ORDER NO. 20449

Filed September 18, 2003
At 8:00 o'clock A.M.

Stan J. H
Chief Clerk of the Commission

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

Stan J. H
Acting Administrative Director

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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|----------------------------------|---|--------------------|
| In the Matter of the Request of) |) | |
| MITCHELL LEE ORTIZ, dba |) | |
| MITCH-O'S TRUCKING |) | |
| & BACKHOE SERVICE |) | Docket No. 01-0268 |
| |) | |
| For Voluntary Surrender of |) | Order No. 20449 |
| Certificate or Permit. |) | |
| _____ |) | |

ORDER

I.

Pursuant to Order No. 19662, filed on September 19, 2002, in this docket, certificate of public convenience and necessity no. 2082-C ("Certificate No. 2082-C"), held by MITCHELL LEE ORTIZ, dba MITCH-O'S TRUCKING & BACKHOE SERVICE ("Petitioner"), was placed on inactive status until August 30, 2003.¹

By letter filed on July 31, 2003, Petitioner requested reactivation of Certificate No. 2082-C. Pursuant to HRS § 271-19(b), a certificate may be reactivated upon fulfilling the requirements for reactivation.²

¹Pursuant to Order No. 18867, filed on August 30, 2001, Certificate No. 2082-C was placed on inactive status for one year, until August 30, 2002. Hawaii Revised Statutes ("HRS") § 271-19 provides that the commission may grant inactive status for a cumulative period not to exceed two years over the life of the certificate.

²By letter dated August 1, 2003, the commission requested that Petitioner submit the following: (1) proof of insurance; (2) a lawful tariff; (3) a vehicle inventory list; and (4) certificates of registration or ownership. Petitioner was advised that failure to submit the above documents within 30 days of the date of the letter could result in the revocation of Certificate No. 2082-C pursuant to HRS § 271-19(b). The 30-day time period passed and the commission did not receive the requested documents.

By letter filed on September 2, 2003, Petitioner requests commission approval to voluntarily surrender his authority under Certificate No. 2082-C. Under Certificate No. 2082-C, Petitioner is authorized to transport property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification.

In accordance with HRS § 271-19, operating authority under a certificate of public convenience and necessity may be terminated upon application of the holder. The commission finds good cause to grant Petitioner's request to terminate his authority.

II.

THE COMMISSION ORDERS:

1. Petitioner's authority to transport property under Certificate No. 2082-C is terminated, effective from the date of this order.


2. Petitioner shall surrender his certificate and remove any markings from the vehicles used in his operations. Petitioner shall comply with the foregoing requirements within 30 days from the date of this order.


3. If Petitioner fails to comply with the foregoing requirements within the time period specified, he may be subject to penalties pursuant to HRS § 271-27.

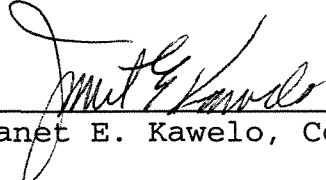
4. This docket is closed.

DONE at Honolulu, Hawaii this 18th day of September,
2003.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

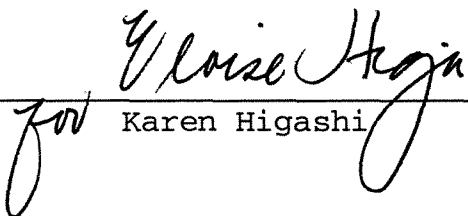
01-0268.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20449 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

MITCHELL LEE ORTIZ, dba
MITCH-O'S TRUCKING & BACKHOE SERVICE
59-715 Kanalani Place
Haleiwa, HI 96712


for Karen Higashi

DATED: September 18, 2003