BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

THE BOC GROUP, INC.,
dba BOC GASES/GASPRO

DOCKET NO. 03-0281

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. 20482

Filed Oct. 27, 2003
At 8:00 o'clock A.M.

Karen Higash
Chief Clerk of the Commission

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

In the Matter of
)
)
)
)
)
)
)
)
)
)

THE BOC GROUP, INC.,
dba BOC GASES/GASPRO
)
)
)
)
)
)
)
)
)
)

Docket No. 03-0281
)
Order No. 20482
)

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

THE BOC GROUP, INC., dba BOC GASES/GASPRO
("Respondent") is the holder of a motor carrier certificate, issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12. The commission authorized Respondent to transport property by motor vehicle on the island of Oahu under certificate of public convenience and necessity ("CPCN") No. 0154-C.

HRS § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a) require Respondent to file an annual financial report ("AFR"). HRS § 271-36 and HAR § 6-62-24(a) require Respondent to pay an annual motor carrier gross revenue fee ("Fee"). Respondent filed an AFR and paid the Fee for 2002, but after the April 30, 2003 deadline had passed. Pursuant to HRS § 271-27(i) and HAR §§ 6-62-24(b), 6-62-24(c), and 6-62-42(d), the commission assessed penalties and interest of $200.04 for
Respondent's untimely AFR filing and Fee payment. Respondent has not complied with the commission's request for payment.

HRS § 271-19 authorizes the commission, after notice and hearing, to suspend or revoke any CPCN, in part or in whole, if the commission finds the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's CPCN for failure to comply with the legal requirements set forth above, unless Respondent is able to show why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 26, 2003 to show cause why Respondent's CPCN should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

If Respondent fails to appear at the scheduled hearing, Respondent's CPCN shall be revoked.
DONE at Honolulu, Hawaii this 27th day of October, 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:

Catherine P. Awakuni
Commission Counsel

03-0281
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20482 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

THE BOC GROUP, INC.,
dba BOC GASES/GASPRO
2305 Kamehameha Highway
Honolulu, HI  96819

(CM #7002 2030 0006 6812 7080)

Karen Higashi

DATED: October 27, 2003