



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
N & C TRUCKING & SERVICES, LLC ) Docket No. 03-0290  
 )  
Notice of Failure to Comply ) Order No. 20491  
With Hawaii Revised Statutes )  
and Commission's Regulations )  
Order to Show Cause Why )  
Respondent's Operating )  
Authority Should Not Be )  
Suspended or Revoked. )  
----- )

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

N & C TRUCKING & SERVICES, LLC ("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 Hawaii under certificate of public convenience and necessity ("CPCN") No. 5163-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 failed to file an AFR and pay the Fee for 2002.

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.

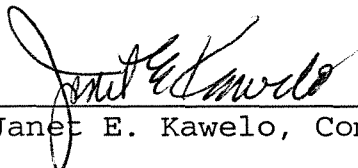
If Respondent fails to appear at the scheduled hearing, Respondent's CPCN shall be revoked.

DONE at Honolulu, Hawaii this 27<sup>th</sup> day of October, 2003.

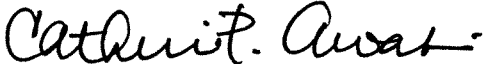
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Catherine P. Awakuni  
Commission Counsel

03-0290.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20491 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

N & C TRUCKING & SERVICES, LLC  
c/o CAROL OTSUKA  
P. O. Box 437475  
Kamuela, HI 96743

(CM #7002 1000 0004 5725 8751)

  
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Karen Higashi

DATED: October 27, 2003