BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
FRANK D. DUARTE, dba 
DUARTE’ S EQUIPMENT RENTAL 
)
For a Motor Carrier Certificate or) Permit. 
)

DOCKET NO. 03-0085

ORDER NO. 20735

Filed Jan. 6, 2004
At 8:00 o’clock A M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
ORDER

I.

Background

On July 8, 2003, in Decision and Order No. 20307, the commission approved the application of FRANK D. DUARTE, dba DUARTE'S EQUIPMENT RENTAL ("Applicant"), for a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the dump truck and specific commodities (water, heavy machinery and equipment) classifications. 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. Additionally, we sent a letter to Applicant, dated July 8, 2003, which reiterated the commission's requirements and specified November 8, 2003, as the deadline for compliance.

The 120-day time period has passed, and Applicant has not complied with the requirements set forth under Decision and Order No. 20307. The commission, thus, determines that Decision and Order No. 20307 should be voided.

II.

Order

THE COMMISSION ORDERS that Decision and Order No. 20307 is voided and this docket is closed.

DONE at Honolulu, Hawaii this 6th day of January, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

By

By

CARLITO P. CALIBOSO
WAYNE H. KIMURA
JANET E. KAWEO

Counsel

Commission Counsel

03-0085.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20735 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

FRANK D. DUARTE, dba
DUARTE'S EQUIPMENT RENTAL
P. O. Box 5290
Hilo, HI 96720

DATED: January 6, 2004