BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

LESTER JAMES MEYERS,
dba L & S MEYERS EQUIPMENT RENTAL

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.

DOCKET NO. 03-0289

DECISION AND ORDER NO. 21134

Filed July 20, 2004
At 8 o’clock A.M.

Karen Higashii
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 -----)
       LESTER JAMES MEYERS,
       dba L & S MEYERS EQUIPMENT RENTAL)            Docket No. 03-0289
       Notice of Failure to Comply                  Decision and Order No. 21134
       With Hawaii Revised Statutes
       and Commission's Regulations
       Order to Show Cause Why
       Respondent's Operating
       Authority Should Not Be
       Suspended or Revoked.                     

DECISION AND ORDER

The commission ordered LESTER JAMES MEYERS, dba L & S MEYERS EQUIPMENT RENTAL ("Respondent") to 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 certificate of public convenience and necessity ("CPCN") number ("No.") 2009-C should not be suspended or revoked for failure to file an annual financial report, pursuant to Hawaii Revised Statutes ("HRS") § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a), and pay an annual motor carrier gross revenue fee, pursuant to HRS § 271-36 and HAR § 6-62-24(a), for 2002. The commission notified Respondent that its CPCN would be revoked if it failed to appear at the scheduled hearing.

1The commission notified Respondent of the November 26, 2003 hearing by serving Order No. 20490 upon Respondent by certified
On November 26, 2003, Respondent failed to appear before the commission's hearings officer. As a result, the hearings officer recommended that the commission render the following findings and conclusions: (1) Respondent be found in default for failure to appear at the hearing and (2) Respondent's CPCN be revoked.

Based on the above, the commission finds that Respondent's failure to appear at the November 26, 2004 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 20490 are true in the event of a default, and such facts are in violation of applicable laws, rules, and regulations noted above, the commission concludes that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 2009-C is revoked.
DONE at Honolulu, Hawaii this 20th day of July, 2004.

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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21134 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

LESTER JAMES MEYERS,
dba L & S MEYERS EQUIPMENT RENTAL
89-246 Kauwahi Avenue
Waianae, HI 96792
(CM #7002 2030 0006 6812 6724)

DATED: July 20, 2004