BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of
JOHNSON QUYEN DO
DOCKET NO. 03-0302

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.

DECISION AND ORDER NO. 21143

Filed July 21, 2004
At 11:00 o’clock A.M.

Principal Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
The commission ordered JOHNSON QUYEN DO ("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.") 1616-C should not be suspended or revoked for failure to pay penalties and interest of $200.29 that the commission assessed, pursuant to Hawaii Revised Statutes ("HRS") § 271-27(i) and Hawaii Administrative Rules ("HAR") §§ 6-62-24(b), 6-62-24(c), and 6-62-42(d), for Respondent's untimely annual financial report filing and annual motor carrier gross revenue fee payment.¹ The commission notified Respondent

¹The commission notified Respondent of the November 26, 2003 hearing by serving Order No. 20503 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to HAR § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to
that its CPCN would be revoked if it failed to appear at the scheduled hearing.

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, 2003 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 20503 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. 1616-C is revoked.
DONE at Honolulu, Hawaii this 21st 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. 21143 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

JOHNSON QUYEN DO
1035 Matzie Lane, #B
Honolulu, HI 96817
(CM #7002 2030 0006 6812 6632)

DATED: July 21, 2004

Karen Higashi