

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
KONA SUNSET TOUR, INC.)
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. 03-0317

DECISION AND ORDER NO. 21154

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2004 JUL 26 A 8:58
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed July 22, 2004
At 11:00 o'clock A .M.

Karen Higashi.
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----) KONA SUNSET TOUR, INC.)) 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. 03-0317 Decision and Order No. 21154
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DECISION AND ORDER

The commission ordered KONA SUNSET TOUR, INC. ("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.") 5663-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 2002.¹ The commission notified

¹The commission notified Respondent of the November 26, 2003 hearing by serving Order No. 20518 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 Respondent's attorney. Additionally, pursuant to HRS § 91-9.5,

Respondent 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, 2004 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 20518 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.

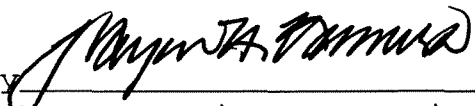
THE COMMISSION ORDERS that CPCN No. 5663-C is revoked.

the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on November 3 and November 10, 2003.

DONE at Honolulu, Hawaii this 22nd 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

03-0317.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21154 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

KONA SUNSET TOUR, INC.
P. O. Box 383963
Waikoloa, HI 96738

(CM #7003 1680 0002 5382 7860)



Karen Higashi

DATED: July 22, 2004