BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of

CLAYTON S. DECOITE, dba
MOLOKAI EXPRESS

DOCKET NO. 04-0203

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.

ORDER NO. 21244

Filed ______________, 2004
At __________ o’clock __.M.

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 ---------

CLAYTON S. DECOITE, dba MOLOKAI EXPRESS

Docket No. 04-0203

Order No. 21244

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.

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

CLAYTON S. DECOITE, dba MOLOKAI EXPRESS ("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 Molokai under certificate of public convenience and
necessity ("CPCN") No. 4010-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
2003.

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 that 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 cause 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 October 6, 2004 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 7th day of September, 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 Order No. 21244 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

CLAYTON S. DECOITE, dba
MOLOKAI EXPRESS
P.O. Box 277
Kualapuu, HI 96757

(CM #7002 2030 0006 6812 6793)

DATED: September 7, 2004

Karen Higashi