BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

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In the Matter of the Application of)

GARRY DUSTIN KANE ALII KAAWA, dba GK TRUCKING

DOCKET NO. 04-0144

For a Motor Carrier Certificate or) Permit.

ORDER NO. 21640

RECEIVE Filed <u>Feb. 7</u>, 2005 At <u>2:00</u> o'clock <u>P</u>.M. ⊳ 8 \bigcirc Harn Higrol. 0 Chief Clerk of the commission

ATTEST: A True Copy KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
Commission, State of Hawaii.
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In the Matter of the Application of)) GARRY DUSTIN KANE ALII KAAWA,) dba GK TRUCKING)

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Docket No. 04-0144 Order No. 21640

For a Motor Carrier Certificate or) Permit.

<u>ORDER</u>

By this order, the commission orders that Decision and Order No. 21372 is voided and this docket is closed.

I.

Application for Common Carrier Authority

On September 28, 2004, in Decision and Order No. 21372, the commission approved the application of GARRY DUSTIN KANE ALII KAAWA, dba GK TRUCKING ("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 classification. 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 one hundred and twenty (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 September 28, 2004, which reiterated the commission's requirements and specified January 28, 2005, as the deadline for compliance.

II.

Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in Decision and Order No. 21372. The commission, thus, determines that Decision and Order No. 21372 should be voided.

III.

<u>Orders</u>

THE COMMISSION ORDERS that Decision and Order No. 21372 is voided and this docket is closed.

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DONE at Honolulu, Hawaii _____

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

FEB - 7 2005

Bv

Carlito P. Caliboso, Chairman

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Wayne H. Kimura, Commissioner

By

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

04-0144.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Order No. 21640</u> 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

GARRY DKA KAAWA, dba GK TRUCKING P. O. Box 755 Naalehu, HI 96772

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DATED: FEB - 7 2005