BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
KONA CINDER & SOIL, INC. )
) DOCKET NO. 03-0378
) To Place Operating Authority on)
) Inactive Status. )

ORDER NO. 22041

Filed Sept. 21, 2005
At 8 o'clock A.M.

Karen Higashl
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 the Request of)

KONA CINDER & SOIL, INC. ) Docket No. 03-0378
) Order No. 22041
To Place Operating Authority on)
Inactive Status. )

ORDER

By this Order, the commission places certificate of public convenience and necessity no. 5107-C ("Certificate No. 5107-C"), held by KONA CINDER & SOIL, INC. ("Petitioner"), on inactive status for an additional one (1)-year period, until August 13, 2006.

I.

Request to Extend Inactive Status

On August 8, 2005, Petitioner filed a letter requesting that the inactive status of its Certificate No. 5107-C be extended for an additional year. By Order No. 21302, filed on August 13, 2004, in this docket, Certificate No. 5107-C was placed on inactive status until August 13, 2005.

The commission notes that pursuant to Hawaii Revised Statutes § 271-19, the commission may grant inactive status for a cumulative period not to exceed two (2) years over the life of the certificate. We find that there is good cause to grant Petitioner’s request for an extension of its inactive status for
an additional year. We conclude that Petitioner’s request should be granted.

II.

Orders

THE COMMISSION ORDERS:

1. Petitioner’s Certificate No. 5107-C is placed on inactive status for an additional one (1)-year period, until August 13, 2006.

2. If Certificate No. 5107-C is not reactivated prior to the expiration of the period of inactivity, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 5107-C, along with the filing of all documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 5107-C shall be revoked.

3. Petitioner shall not transfer its inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.
DONE at Honolulu, Hawaii SEP 21 2005

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:

Benedyne S. Stone
Commission Counsel

03-0378
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22041 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 CINDER & SOIL, INC.
P. O. Box 4088
Kailua-Kona, HI 96745

DATED: SEP 21 2005

Karen Higa
Karen Higa