BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

--------- In the Matter of --------)

DAVID T. HARRIS, dba
PROTOCOL TRANSPORT SERVICE )

DOCKET NO. 04-0215

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. 22362

Filed March 30, 2006
At 11 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
By this Decision and Order, the commission vacates Order No. 21256, filed on September 7, 2004, in the matter of DAVID T. HARRIS, dba PROTOCOL TRANSPORT SERVICE ("Respondent").

I.

History

Pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), § 6-62-24(a), the commission ordered Respondent to 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 certificate of public convenience and necessity number 1258-C should not be suspended or revoked for failure to file an annual financial report ("AFR") and pay an annual motor carrier gross revenue fee ("Fee") for the year 2003.
On September 27, 2004, Respondent filed his 2003 APR, paid his Fee, and paid $55.18 in penalties and interest that the commission assessed, pursuant to HRS § 271-27(i) and HAR §§ 6-62-24(b)(c) and 6-62-42(d).

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the motor carrier laws, rules, and regulations, and concludes that Order No. 21256, filed on September 7, 2004, should be vacated.

III.

Orders

THE COMMISSION ORDERS:
1. Order No. 21256 is vacated.
2. This docket is closed unless otherwise ordered by the commission.
DONE at Honolulu, Hawaii MAR 30 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By
Carlito P. Caliboso, Chairman

(EXCUSED)

By
Wayne H. Kimura, Commissioner

By
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
Commission Counsel

04-0215.rpx
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22362 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

DAVID T. HARRIS, dba
PROTOCOL TRANSPORT SERVICE
2511 Kapiolani Blvd., #11
Honolulu, HI  96826

DATED:  MAR 30 2006

Karen Higashi