

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
CLAYTON S. DECOITE, dba)
MOLOKAI EXPRESS)
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. 04-0203

RECEIVED
2006 APR 21 A 8:33
DIV OF PUBLIC UTILITIES
REGULATORY DIVISION
COMMUNICATIONS SECTION

DECISION AND ORDER NO. 22403

Filed April 20, 2006
At 2 o'clock P.M.

Karen Higash
Chief Clerk of the Commission

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OF THE STATE OF HAWAII

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Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

Docket No. 04-0203
Decision and Order No. 22403

DECISION AND ORDER

By this Decision and Order, the commission vacates Order No. 21244, filed on September 7, 2004, in the matter of CLAYTON S. DECOITE, dba MOLOKAI EXPRESS ("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 4010-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 24, 2004, Respondent filed his 2003 AFR, paid his Fee, and paid \$55.90 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. 21244, filed on September 7, 2004, should be vacated.

III.


Orders

THE COMMISSION ORDERS:

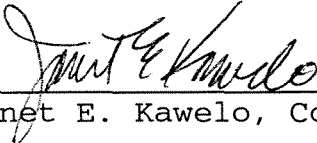
1. Order No. 21244 is vacated.
2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii APR 20 2006.

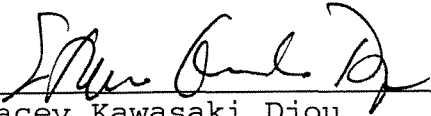
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

04-0203.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22403 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE
EXECUTIVE DIRECTOR
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 270
Kualapuu, HI 96757



Karen Higashi

DATED: APR 20 2006