



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----) )  
ALBERT MEDEIROS, SR. ) Docket No. 04-0207  
) )  
Notice of Failure to Comply ) Decision and Order No. 22407  
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

By this Decision and Order, the commission revokes certificate of public convenience and necessity number 5052-C ("Certificate No. 5052-C") held by ALBERT MEDEIROS, SR. ("Respondent").

I.

Procedural 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 No. 5052-C should not be suspended or revoked for failure to file an annual financial report and pay an annual

motor carrier gross revenue fee for the year 2003.<sup>1</sup> The commission notified Respondent that Certificate No. 5052-C would be revoked if he failed to appear at the scheduled hearing.

On October 6, 2004, Respondent failed to appear before the commission's hearing officer. As a result, the hearings officer recommended that the commission render the following findings and conclusions: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's Certificate No. 5052-C be revoked.

## II.

### Findings and Conclusions

Based on the entire record, the commission finds that Respondent's failure to appear at the October 6, 2004 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 21248 are true in the event of a default, and such facts are in violation of applicable laws, rules, and regulations noted above, the commission concludes that Respondent's Certificate No. 5052-C should be revoked.

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<sup>1</sup>The commission notified Respondent of the October 6, 2004 hearing by serving Order No. 21248 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to HAR § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to Respondent's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of hearing via statewide publication in newspapers of general circulation on September 14 and September 21, 2004.

III.

Orders

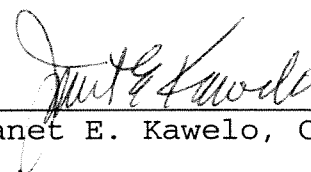
THE COMMISSION ORDERS that Certificate No. 5052-C is revoked, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii APR 24 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

04-0207.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22407 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

ALBERT MEDEIROS, SR.  
P. O. Box 465  
Hawi, HI 96755

  
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Karen Higashi

DATED: APR 24 2006