BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

THOMAS WILLIAM SPENCER, dba
KALAHEO TRUCKING & EQUIPMENT RENTAL

For a Motor Carrier Certificate or Permit.

DOCKET NO. 05-0116

ORDER NO. 22497

Filed May 31, 2006
At 2 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

THOMAS WILLIAM SPENCER, dba  )
KALAHEO TRUCKING & EQUIPMENT RENTAL)
For a Motor Carrier Certificate or )
Permit.

Docket No. 05-0116
Order No. 22497

ORDER

By this Order, the commission orders that Decision and
Order No. 22036 is vacated and this docket is closed.

I.

Application for Common Carrier Authority

On September 20, 2005, in Decision and Order No. 22036,
the commission approved the application of THOMAS WILLIAM
SPENCER, dba KALAHEO TRUCKING & EQUIPMENT RENTAL ("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.

On January 19, 2006, Applicant filed a request for a thirty (30)-day extension to comply. The request was approved on January 24, 2006, which allowed Applicant until February 20, 2006 to comply.

II.

Findings and Conclusions

The extended due date has passed, and Applicant has not complied with the requirements set forth in Decision and Order No. 22036. The commission, thus, determines that Decision and Order No. 22036 should be vacated.

III.

Orders

THE COMMISSION ORDERS that Decision and Order No. 22036 is vacated and this docket is closed unless otherwise ordered by the commission.
DONE at Honolulu, Hawaii MAY 31 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

05-0116-31
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22497 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

THOMAS SPENCER, DBA
KALAHEO TRUCKING & EQUIPMENT RENTAL
HCR 2, P. O. Box 6613
Keaau, HI 96749

DATED: MAY 31 2006

Karen Higa