

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

RECEIVED

JUNE 1  
2006 MAY 22 A 9:28

REGISTRATION DIVISION  
PUBLIC UTILITIES COMMISSION  
STATE OF HAWAII

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

Karen Higashi.  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
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THOMAS WILLIAM SPENCER, dba )  
KALAHEO TRUCKING & EQUIPMENT RENTAL )  
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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

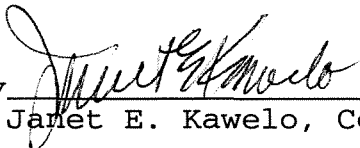
THE COMMISSION ORDERS that Decision and Order No. 22036 is vacated and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii MAY 31 2006.

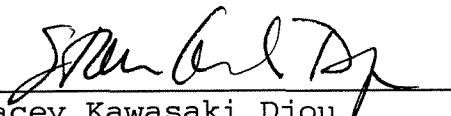
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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.et

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

  
\_\_\_\_\_  
Karen Higashi

DATED: MAY 31 2006