BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

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

H. TANAKA TRUCKING SERVICE, INC. ) DOCKET NO. 2006-0191

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. 22962

Filed Oct. 20, 2006
At 11 o'clock A.M.

Karen Higashin
Chief Clerk of the Commission
By this Decision and Order, the commission revokes certificate of public convenience and necessity number 84-C ("Certificate No. 84-C") held by H. TANAKA TRUCKING SERVICE, INC. ("Respondent").

I.

Procedural History

By Order No. 22669 filed on August 3, 2006, the commission ordered Respondent to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on September 27, 2006, to show cause why Respondent’s Certificate No. 84-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 years 2004 and 2005, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative
Rules ("HAR") §§ 6-62-42(a), 6-62-24(a).¹ In its order, the
commission notified Respondent that Certificate No. 84-C would be
revoked if it failed to appear at the scheduled hearing.

On September 27, 2006, 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. 84-C be revoked.

II.
Findings and Conclusions

Based on the entire record, the commission finds that
Respondent's failure to appear at the September 27, 2006 hearing
constitutes a default in accordance with HAR § 6-68-23.
Accordingly, because the commission can assume the facts alleged
in Order No. 22669 are true in the event of a default, and such
facts are in violation of the applicable laws, rules, and
regulations noted above, the commission concludes that
Respondent's Certificate No. 84-C should be revoked.

¹The commission notified Respondent of the September 27,
2006 hearing by serving Order No. 22669 upon Respondent by
certified mail, return receipt requested, at Respondent's last
known address. 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 the hearing via statewide
publication in newspapers of general circulation on September 5
and September 12, 2006.
III.

Order

THE COMMISSION ORDERS:

Certificate No. 84-C is revoked, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii OCT 20 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

Carlito P. Caliboso, Chairman

By

John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22962 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

H. TANAKA TRUCKING SERVICE, INC.
P. O. Box 17788
Honolulu, HI 96817-0788

DATED: OCT 20 2006

[Signature]
Karen Higashi