BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

----- In the Matter of -----) STANLEY TOSHIO KASHIWAI

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. 2006-0217

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DECISION AND ORDER NO. 23015

Filed Nov. 3, 2006 At _____O'clock P.M. Yarın Digast.

Chief Clerk of the (Commission

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----- In the Matter of -----) STANLEY TOSHIO KASHIWAI) 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. 2006-0217)) Decision and Order No. 23015

DECISION AND ORDER

By this Decision and Order, the commission revokes certificate of public convenience and necessity number 1776-C ("Certificate No. 1776-C") held by STANLEY TOSHIO KASHIWAI ("Respondent").

I.

Procedural History

By Order No. 22684, filed on August 4, 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. 1776-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 2004, 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. 1776-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 commission officer recommended that the hearings render the following findings and conclusions: (1) Respondent be found default for failure in to appear at the hearing, and (2) Respondent's Certificate No. 1766-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 in accordance with constitutes a default HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 22684 are true in the event of a default, and such facts are in violation of applicable laws, rules, and regulations commission concludes the that Respondent's noted above, Certificate No. 1776-C should be revoked.

¹The commission notified Respondent of the September 27, 2006 hearing by serving Order No. 22684 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 hearing via statewide publication in newspapers of general circulation on September 5 and September 12, 2006.

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III.

<u>Orders</u>

THE COMMISSION ORDERS:

Certificate No. 1776-C is revoked, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii _____ NOV - 3 2006

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Βv

Carlito P. Caliboso, Chairman

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John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2006-0217.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 23015</u> 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

STANLEY TOSHIO KASHIWAI P. O. Box 728 Kaneohe, HI 96744-0728

Karen Higashi

NOV - 3 2006 DATED: