BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

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| 2 | ZITF | RO HZ | AULING | LLC | ,)) |

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. 2007-0255

DECISION AND ORDER NO. 23897

Filed <u>Pec. 18</u>, 2007

At <u>I</u> o'clock <u>P</u> .M.

Chief Clerk of the Commission

DEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

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

ZITRO HAULING LLC

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. 2007-0255 Decision and Order No. 23897

DECISION AND ORDER

By this Decision and Order, the commission vacates Order No. 23774, filed on October 26, 2007, in the matter of ZITRO HAULING LLC ("Respondent").

I.

<u>History</u>

By Order No. 23774, filed on October 26, 2007, the commission ordered Respondent to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 20, 2007, to show cause why Respondent's certificate of public convenience and necessity number 4095-C should not be suspended or revoked for failure to file an annual financial report ("AFR") and pay an annual motor carrier gross revenue fee ("Fee") for the year 2006, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), 6-62-24(a).

On November 2, 2007, Respondent filed its 2006 AFR, paid its Fee, and on November 19, 2007, paid \$570.46 in penalties and interest that the commission assessed, pursuant to HRS \S 271-27(i), and HAR $\S\S$ 6-62-24(b)(c) and 6-62-42(d).

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the motor carrier laws, rules, and regulations, and concludes that Order No. 23774, filed on October 26, 2007, should be vacated.

III.

<u>Orders</u>

THE COMMISSION ORDERS:

- 1. Order No. 23774 is vacated.
- 2. This docket is closed unless otherwise ordered by the commission.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2007-0255.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 23897</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

ZITRO HAULING LLC c/o ANTHONY ORTIZ P. O. Box 2561 Wailuku, HI 96793

Karen Higashi

DATED: DEC 18 2007