BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

--------- In the Matter of ---------)
TOMIO KUNIKANE, dba
MAC TRAVEL SERVICES
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)
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.
)

ORDER NO. 23906

Filed Dec. 19 , 2007
At 12 o’clock P .M.

Shawn Magos
Chief Clerk of the Commission
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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Docket No. 2007-0257
Order No. 23906

ORDER

By this Order, the commission suspends certificate of
public convenience and necessity number 584-C
(“Certificate No. 584-C”), held by TOMIO KUNIKANE, dba
MAC TRAVEL SERVICES (“Respondent”), for a period of three
(3) months.

I.

Procedural History

By Order No. 23758, filed on October 24, 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
No. 584-C should not be suspended or revoked for failure to pay
the civil penalty of $1,000.00 associated with
Citation No. 0350. In its order, the commission notified Respondent that Certificate No. 584-C would be suspended or revoked if it failed to appear at the scheduled hearing.

On November 20, 2007, Respondent failed to appear before the commission's hearing officer. As a result, the hearings officer recommended that: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's Certificate No. 584-C be suspended for a period of three (3) months and thereafter be revoked if Respondent fails to pay the civil penalty of $1,000.00 associated with Citation No. 0350.

II.
Findings and Conclusions

Based on the entire record, the commission finds that Respondent's failure to appear at the November 20, 2007 hearing constitutes a default in accordance with Hawaii Administrative Rules § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 23758 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

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1The commission notified Respondent of the November 20, 2007 hearing by serving Order No. 23758 upon Respondent by certified mail, return receipt requested, at Respondent's last known address. Pursuant to Hawaii Administrative Rules § 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 Hawaii Revised Statutes § 91-9.5, the commission provided Respondent with notice of hearing via statewide publication in newspapers of general circulation on October 26, 2007 and November 2, 2007.
Respondent's Certificate No. 584-C should be suspended for a period of three (3) months and thereafter be revoked if Respondent fails to pay the civil penalty of $1,000.00 associated with Citation No. 0350.

III.

Orders

THE COMMISSION ORDERS:

1. Certificate No. 584-C is suspended for a period of three (3) months, effective from the date of this Order.

2. If Respondent fails to pay the civil penalty of $1,000.00 associated with Citation No. 0350 by the time the suspension period has expired, i.e., three (3) months from the date of this Order, Certificate No. 584-C shall be revoked.

DONE at Honolulu, Hawaii ___DEC 19 2007___

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By John F. Cole, Commissioner

APPROVED AS TO FORM:

By Leslie H. Kondo, Commissioner

Stacey Kawasaki Djou
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23906 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

TOMIO KUNIKANE, dba
MAC TRAVEL SERVICES
4171 Kilauea Avenue, #A
Honolulu, HI 96816

DATED: DEC 19 2007

Karen Higashi