BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

KAPENA TRUCKING LLC

For a Motor Carrier Certificate or)

Permit.

DOCKET NO. 2007-0228

ORDER VACATING DECISION AND ORDER NO. 24196

MECEIVED

2006 SEP 18 A 9: 15

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

PUBLIC UTILLITIES

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KAPENA TRUCKING LLC)
	a cmit		or Ca	arri	.er	Cert	cificate	0) or))

Docket No. 2007-0228

ORDER VACATING DECISION AND ORDER NO. 24196

By this Order, the commission vacates Decision and Order No. 24196 and closes this docket.

I.

Application for Common Carrier Authority

On May 8, 2008, in Decision and Order No. 24196, the commission approved the application of KAPENA TRUCKING LLC ("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 Maui in the general commodities and dump truck classifications. 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 may constitute cause for the commission to vacate 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.

II.

Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in Decision and Order No. 24196. The commission, thus, determines that Decision and Order No. 24196 should be vacated.

III.

<u>Order</u>

THE COMMISSION ORDERS:

Decision and Order No. 24196 is vacated and 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

2007-0228.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

KAPENA TRUCKING LLC c/o TIVAINI TATOFI P. O. Box 850 Makawao, HI 96768