

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 KAUAI PARADISE TOURS 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. 2008-0224

ORDER VACATING NOTICE OF VIOLATION, ORDER TO
SHOW CAUSE, AND NOTICE OF HEARING, FILED ON OCTOBER 15, 2008

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2008 DEC 31 A 8:44

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

PUBLIC UTILITIES
COMMISSION

2008 DEC 30 P 12:21

FILED

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----- In the Matter of -----))
KAUAI PARADISE TOURS LLC) Docket No. 2008-0224
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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 VACATING NOTICE OF VIOLATION, ORDER TO
SHOW CAUSE, AND NOTICE OF HEARING, FILED ON OCTOBER 15, 2008

By this Order, the commission vacates the Notice of Violation, Order to Show Cause, and Notice of Hearing ("Notice"), filed on October 15, 2008, in the matter of KAUAI PARADISE TOURS LLC ("Respondent").

I.

History

By Notice, filed on October 15, 2008, the commission ordered Respondent to appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 19, 2008, to show cause why Respondent's certificate of public convenience and necessity number 3543-C ("Certificate No. 3543-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 2007, pursuant to Hawaii Revised Statutes §§ 271-25, 271-36, and Hawaii Administrative Rules §§ 6-62-42(a), 6-62-24(a).

On November 18, 2008, the commission received a letter from Ina Berger-Deyerl requesting commission approval to surrender Certificate No. 3543-C. Ms. Berger-Deyerl stated that (1) she was the personal representative of the Estate of Max Josef Arno Deyerl, (2) Mr. Deyerl was the only member of Respondent, and (3) Mr. Deyerl had passed away on December 23, 2007. The commission found good cause to grant Ms. Berger-Deyerl's request and issued Order Terminating Certificate No. 3543-C on December 8, 2008.

II.

Findings and Conclusions

The surrender of Respondent's Certificate No. 3543-C by Order Terminating Certificate No. 3543-C, filed on December 8, 2008, renders moot Notice filed on October 15, 2008. We, thus, conclude that there is good cause to vacate the Notice filed on October 15, 2008.

III.


Orders

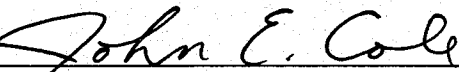
THE COMMISSION ORDERS:

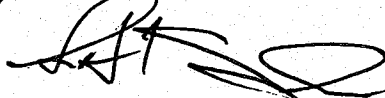
1. The Notice, filed on October 15, 2008, is vacated.
2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii DEC 30 2008.

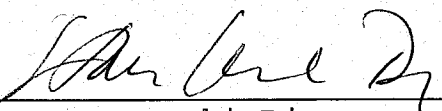
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner


By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0224.laa

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

KAUAI PARADISE TOURS LLC
c/o INA BERGER-DEYERL
P. O. Box 3927
Lihue, HI 96766