

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
WESTSIDE HAULING LLC )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 2007-0363

ORDER VACATING DECISION AND ORDER NO. 24024

RECEIVED

2009 JAN 30 A 8: 36

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

PUBLIC UTILITIES  
COMMISSION

2009 JAN 29 A 9: 30

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
WESTSIDE HAULING LLC )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

Docket No. 2007-0363

ORDER VACATING DECISION AND ORDER NO. 24024

By this Order, the commission vacates Decision and Order No. 24024 and closes this docket.

I.

Application for Common Carrier Authority

On February 8, 2008, in Decision and Order No. 24024, the commission approved the application of WESTSIDE HAULING LLC ("Applicant") for a certificate of public convenience and necessity ("certificate") to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu 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 would 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. Additionally, we sent a letter to Applicant, dated February 8, 2008, which reiterated the commission's requirements and specified June 8, 2008, as the deadline for compliance.

On June 12, 2008, Applicant filed a request for an extension of time to comply with the requirements set forth in Decision and Order No. 24024. As the request was filed after the deadline date of June 8, 2008, and Applicant failed to demonstrate the requisite "excusable neglect" required by HAR § 6-61-23(a)(2), Applicant's request was denied.

## 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. 24024. The commission, thus, determines that Decision and Order No. 24024 should be vacated.

## III.


### Order

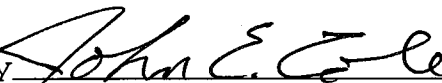
THE COMMISSION ORDERS:

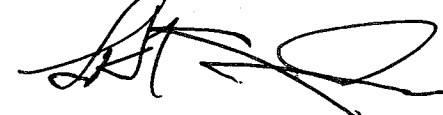
Decision and Order No. 24024 is vacated and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JAN 29 2009.

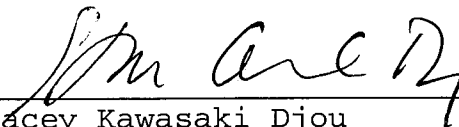
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
\_\_\_\_\_  
Carlito P. Caliboso, Chairman

By   
\_\_\_\_\_  
John E. Cole, Commissioner

By   
\_\_\_\_\_  
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stacey Kawasaki Djou  
Commission Counsel

2007-0363.ps

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

WESTSIDE HAULING LLC  
c/o CHANCE ROMAN  
1450 Aala Street, Apt. 803  
Honolulu, HI 96817