

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
DIRECT FREIGHT SERVICE HAWAII, INC. )  
 )  
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. 2008-0191

DECISION AND ORDER

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

PUBLIC UTILITIES  
COMMISSION

2009 FEB 26 A 10:18

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
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DIRECT FREIGHT SERVICE HAWAII, INC.) Docket No. 2008-0191  
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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. )  
\_\_\_\_\_ )

DECISION AND ORDER

By this Decision and Order, the commission vacates the Notice of Violation, Order to Show Cause, and Notice of Hearing ("Notice"), filed on October 2, 2008, in the matter of DIRECT FREIGHT SERVICE HAWAII, INC. ("Respondent").

I.

History

By Notice, filed on October 2, 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 5193-C ("Certificate No. 5193-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 2007, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), 6-62-24(a).

On October 29, 2008, Respondent filed its 2007 AFR and paid its Fee. Subsequently, Respondent was assessed \$2,519.71 in penalties and interest, pursuant to HRS § 271-27(i), and HAR §§ 6-62-24(b)(c) and 6-62-42(d), for its late filing of its AFR and late payment of its Fees.

## II.

### Findings and Conclusions

As Respondent has filed its AFR and paid its Fee for the year 2007, the commission finds that Respondent has complied, although belatedly, with the legal requirements set forth in the Notice filed on October 2, 2008, and, thus, concludes that the Notice should be vacated. At the same time, however, we note that Respondent still owes the commission an outstanding balance of \$2,519.71 in penalties and interest, and, thus, if the balance is not paid, Respondent may be required to appear at a future hearing to show cause why its Certificate No. 5193-C should not be revoked.

## III.

### Orders

THE COMMISSION ORDERS:

1. The Notice, filed on October 2, 2008, is vacated.

2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii FEB 26 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

2008-0191.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

DIRECT FREIGHT SERVICE HAWAII, INC.  
P. O. Box 1005  
Pepeekeo, HI 96783