

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
HAU VAN NGUYEN)
)
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. 2008-0233

DECISION AND ORDER

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2009 FEB 30 A 9:07
DIV. OF CONSUMER ADVOCACY
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STATE OF HAWAII

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STATE OF HAWAII

FILED
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PUBLIC UTILITIES
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
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HAU VAN NGUYEN) Docket No. 2008-0233
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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 revokes certificate of public convenience and necessity number 1891-C ("Certificate No. 1891-C") held by HAU VAN NGUYEN ("Respondent").

I.

Procedural History

By Notice of Violation, Order to Show Cause, and Notice of Hearing ("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 No. 1891-C should not be suspended or revoked for failure to comply with the commission's order that required the payment of \$1,000 in civil penalties,

imposed for the violation of the motor carrier laws¹. In the Notice, the commission notified Respondent that Certificate No. 1891-C would be revoked if he failed to appear at the scheduled hearing.

On November 19, 2008, 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. 1891-C be revoked.

II.

Findings and Conclusions

Based on the entire record, the commission finds that Respondent's failure to appear at the November 19, 2008 hearing constitutes a default in accordance with Hawaii Administrative Rules § 6-68-23. Accordingly, because the commission can assume the facts alleged in the Notice 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 Respondent's Certificate No. 1891-C should be revoked.

¹The commission notified Respondent of the November 19, 2008 hearing by serving the Notice upon Respondent by certified mail, return receipt requested, at Respondent's last known address. Pursuant to HAR § 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 HRS § 91-9.5, the commission provided Respondent with notice of hearing via statewide publication in newspapers of general circulation on October 28, 2008 and November 4, 2008.

III.


Order

THE COMMISSION ORDERS:

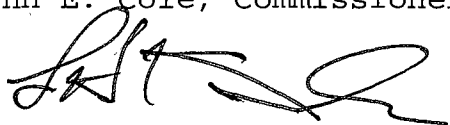
Certificate No. 1891-C is revoked, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii FEB 27 2009.

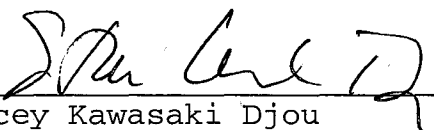
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0233.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
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DIVISION OF CONSUMER ADVOCACY
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Honolulu, HI 96809

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