

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
XPRESS TRUCKING, INC.) Docket No. 2009-0237
)
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 14, 2009, in the matter of XPRESS TRUCKING, INC. ("Respondent").

I.

History

By Notice, filed on October 14, 2009, the commission ordered Respondent to appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 18, 2009, to show cause why Respondent's certificate of public convenience and necessity number 78-C should not be suspended or revoked for failure to file a HAW-PUC Form 03-020 for the year 2008, pursuant Decision and Order No. 23862, filed on December 3, 2007, in Docket No. 2007-0159. On October 19, 2009, Respondent filed its HAW-PUC Form 03-020 for the year 2008.

II.

Findings and Conclusions

The commission finds that Respondent has fully complied, although belatedly, with the motor carrier laws, rules, and regulations, and concludes that the Notice, filed on October 14, 2009, should be vacated.

III.

Orders

THE COMMISSION ORDERS:

1. The Notice, filed on October 14, 2009, is vacated.
2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii NOV 10 2009.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

2009-0237.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

XPRESS TRUCKING, INC.
2887 Koapaka Street
Honolulu, HI 96819