

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 HARRY J. SILVA, dba)
 VALLEY TRUCKING)
)
 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. 2009-0228

ORDER VACATING NOTICE OF VIOLATION

FILED
2009 DEC - 7 P 12: 24
PUBLIC UTILITIES
COMMISSION

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OF THE STATE OF HAWAII

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HARRY J. SILVA, dba) Docket No. 2009-0228
VALLEY TRUCKING))
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

By this Order, the commission vacates the Notice of Violation, Order to Show Cause, and Notice of Hearing ("Notice"), filed on October 16, 2009, in the matter of HARRY J. SILVA, dba VALLEY TRUCKING ("Respondent").

I.

History

By Notice, filed on October 16, 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 2046-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 2008, pursuant to Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36,

and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), 6-62-24(a).

On April 29, 2009, Respondent filed his 2008 AFR. On November 12, 2009, Respondent paid his Fee and paid \$32.34 in penalties and interest that the commission assessed, pursuant to HRS § 271-27(i), and HAR §§ 6-62-24(b)(c) and 6-62-42(d).

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 16, 2009, should be vacated.

III.

Orders

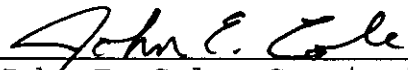
THE COMMISSION ORDERS:

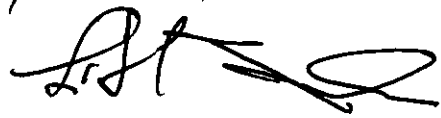
1. The Notice, filed on October 16, 2009, is vacated.
2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii DEC - 7 2009.

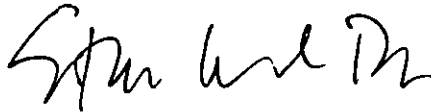
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0228.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

HARRY J. SILVA, dba
VALLEY TRUCKING
P. O. Box 4219
Waianae, HI 96792